SENATE—*Friday, February 27, 1970*

(Legislative day of Thursday, February 26, 1970)

The Senate met at 9:30 o'clock a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God, the ruler of men and nations, by whose power we were created, by whose mercy we are sustained, and by whose providence we are governed, we beseech Thee to illuminate our minds by Thy spirit, control our emotions, and direct all our judgments.

Speak to our hearts when courage fails, or ideals are blurred and patriotism wanes.

Keep us resolute and steadfast in the things that cannot be shaken, always abounding in hope and joy, persevering in the work Thou givest us to do.

Lift our vision to see, beyond the things which are seen and temporal, the things which are unseen and eternal.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 26, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW, SATURDAY, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM SATURDAY TO MONDAY, MARCH 2, 1970, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, Saturday, it stand in recess until Monday next at 11 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 1 hour on Monday, after action on the Journal.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3522—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ACT, TO DEAL WITH ABANDONED OR JUNKED CARS

Mr. JAVITS. Mr. President, I am grateful to the majority leader and the minority leader for bringing us in early so that I might introduce what I consider to be a very important bill.

There is much concern about the environment in this country, and quite properly. One of the great problems created in respect to modern times and modern environment is the disposal of wastes; and among the wastes with which we are most concerned in our large cities and which bedevil us the most are so-called junked automobiles. In New York City alone last year, 50,000 automobiles were abandoned on the streets. They constitute an unsightly, insanitary, dangerous, and costly aspect of city living.

This is a subject with which I have great personal familiarity, as I was born and bred in New York City and have seen this problem grow to probably the greatest visual eyesore.

My administrative assistant, Frank Cummings, has proposed what I consider to be a most gifted and unusual initiative in respect to this matter, which I introduce for myself, the Senator from Rhode Island (Mr. PELL), and the Senator from Utah (Mr. Moss). This bill, which is the result of extremely creative thinking on the part of Mr. Cummings, is entitled the "Motor Vehicle Disposal Act." The bill is designed to deal with the mounting problem and awesome cost of removing junked and abandoned cars from our highways, streets, and landscapes.

In a most adroit way, it requires that all cars carry a permanent plate issued by the U.S. Government. It conceivably could be done on a State level as well, of course, but this is such a broad problem that I believe the national establishment has the right to move into it in the name of interstate commerce as well as health, sanitation, and the prevention of crime. This plate would issue for a fee of from $25 to $50, depending on the size and the weight of the car. Title to the plate would inhere in the car itself, so that transfer of the car automatically transfers title to the plate. The value of the plate, obviously, would affect the price of the car, either originally or on resale, to the extent of the value of the plate.

The last owner of the car could obtain a full refund of the license fee by depositing the car with an authorized concern qualified to process, and in the business of processing, junked vehicles into established grades of scrap for remelting purposes—thereby returning the metal to the stream of commerce without littering streets and landscapes with scrap. In the event a car is unlawfully abandoned in a public place—and that is our problem—a public agency authorized by law to remove the car could then take it to such a qualified concern, and the agency itself would receive the disposal fee, to cover its very considerable cost in removing abandoned cars. As I said before, in New York City alone last year over 50,000 abandoned cars were towed away.

In addition to providing an incentive not to abandon cars on public streets—the incentive being loss of the disposal fee refund—and giving a bounty to the local government to remove such abandoned cars, this ingenious plan, which is entirely a self-help plan, would also create an incentive for junkyards not to endlessly expand their inventory, for each car carcass on a junkyard would always be worth at least $25 to the lot owner if he would remove it and deposit it with an authorized disposal concern.

Senators will recall that the President, in his February 10, 1970, message to the Congress on environment and pollution, said:

> The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

This bill, I repeat, with my own appreciation of the very creative work of Mr. Cummings, who, incidentally, is a very fine labor lawyer by profession, would accomplish that objective, except that it would not involve costs unless the owner abandons his car unlawfully.

I think it is important to note that this bill, except for the cost of initial organization of the plan, would be completely self-liquidating in terms of cost. A law-abiding car owner would incur no cost at all, assuming that he would recoup the cost of his license when he sells his car to a second owner, and further assuming that the last owner—whose

cost would include the cost of the license—would get a complete refund when he deposits the car for disposal. The bill would also make self-liquidating the very considerable cost which local governments incur for towing away abandoned vehicles, bearing in mind that there are 90 million vehicles in the United States. So this is a very tidy sum of money. The cost of administration could, I believe, be defrayed by the interest on money deposited in the revolving fund made up of the license fees themselves.

Mr. President, it may be that this kind of approach has within it the source for the solution of other problems in this or other fields.

It strikes me that one of the real aspects of the genius of our private enterprise society is that the citizen has two things that he never finds in a Communist society—ownership and credit. He deposits his money with the Government, knowing he will get it back, and he owns his own car and every appurtenance of it, and pays his own way. It seems to me that more and more, we must begin to utilize this principle. I believe the answer to the proliferating cost of government may well lie in just these techniques.

So, Mr. President, again I wish to state that while I am not the author of this idea—it comes from a very gifted man who is my administrative assistant—I think it is a very fruitful idea, and I have great pleasure in incorporating it in a bill, and commend it highly to the consideration of my colleagues. I hope very much it will not only have very early consideration by the committee to which the measure will be referred.

And I also look forward to its further study by other committees which have similar problems in terms of the appropriate application of this principle.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. JAVITS. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Disposal Act".

DISPOSAL FEE REQUIRED

SEC. 2. (a) Each person within any State who owns a motor vehicle on the effective date of this Act shall, within three months after the effective date of this Act, pay to the Secretary the motor vehicle disposal fee required by the provisions of this Act, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this Act the motor vehicle disposal fee required by the provisions of this Act, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENT OF DISPOSAL FEE

SEC. 3. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this Act has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 3 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 3 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturer sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 4. (a) The Secretary shall prescribe the amount of the disposal fee required under this Act in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of developing new techniques of disposing of motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provision for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 12 of this Act and any disposal fees collected pursuant to this Act shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this Act. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 5. (a) After the effective date of this Act, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this Act.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of Title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States Court of Appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this Act.

(e) (1) The Secretary is authorized to enter the facility of any person authorized under this Act or any person applying for a license under this Act and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this Act. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

REVOCATION OF LICENSES

SEC. 6. (a) Any license issued pursuant to this Act may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license or (2) the licensee fails or refuses to make the certifications required by this Act.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order, and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this Act or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 7. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this Act.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this Act by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraphs (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this Act and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by pay-

ment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 8. It shall be unlawful for any person—

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 2 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this Act;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this Act without the payment of the disposal fee for such vehicle under section 3 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this Act;

(3) who is licensed under the provisions of this Act, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 5; or

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this Act unless such person is authorized by the Secretary to do so.

PENALTIES

SEC. 9. (a) Any person who is required to pay the disposal fee pursuant to section 2 of this Act and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 3 or paragraphs (3) or (4) of section 8, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this Act shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

ADMINISTRATION

SEC. 10. (a) In order to carry out the objectives of this Act, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable.

(3) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this Act at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its serviecs, personnel, facilities, and information, including suggestions, estimates and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this Act.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

DEFINITIONS

SEC. 11. As used in this Act—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this Act upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 12. There is hereby authorized to be appropriated to the Secretary $—— for the fiscal year ending June 30, 1971.

EFFECTIVE DATE

SEC. 13. The provisions of this Act shall take effect on September 1, 1970, except that sections 3, 10, 11 and 12 shall become effective on the date of enactment of this Act.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill I introduced this morning may be referred to the Committee on Commerce, and after it has completed action on the bill, that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 4 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I shall not object in this instance because the Parliamentarian is out of the Chamber, and is, therefore, not here to advise me as to whether or not the Pastore rule began operating at 9:30, when the Senate first went into session this morning following the recess, or will begin operating at the close of the address of the Senator from California (Mr. CRANSTON). Therefore, I shall not object in this instance.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—is there no provision for a morning hour this morning?

Mr. BYRD of West Virginia. The Senator is correct. The Senate did not adjourn yesterday at the close of the day, but recessed instead.

The ACTING PRESIDENT pro tempore. There is no such provision for a morning hour this morning.

Mr. SYMINGTON. I appreciate the courtesy of the assistant majority leader and the assistant minority leader.

Mr. BYRD of West Virginia. I say again, Mr. President, I can make no exceptions, while I am on the floor, to the operation of the Pastore rule. I feel honor bound not to make any exception or show any partiality, regardless of who the Senator may be. Otherwise, the rule cannot be made to work. But in this instance, I am not sure as to what my rights are under the Pastore rule; and that being the case, I am not going to object.

Moreover, the Senator from California (Mr. CRANSTON) who was to be recognized under the previous order is not in the Chamber at this time. Therefore, I do not object to the request of the distinguished Senator for 4 minutes.

LAOS—THE SECRET WAR

Mr. SYMINGTON. Mr. President, with the current interest directed at what the administration has repeatedly called "recent initiatives" by the North Vietnamese and Pathet Lao in the Plain of Jars, I think it worthwhile to look back to what was going on in Laos last September.

The full story of this period and the whole history of fighting in Laos is contained in testimony taken by the Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee. Unfortunately the administration has seen fit neither to discuss fully with the American people U.S. involvement in that country and the reasons for it, nor to permit release of the transcript of these hearings which contain that information.

Recognizing the basic responsibility to respect the security classification attached to this material as it was given to us, the subcommittee has not published that information, formally or informally.

Unfortunately, as Senators we have responsibilities to the American people, and in this instance it is important to note an article published last September in the Bangkok Post by Mr. T. D. Allman, a reporter who has covered the Laotian war for some time and who was one of the three reporters recently arrested in Laos. I would note particularly his discussion of U.S. activities in Laos last fall and his analysis that:

Early this month (September), following U.S.-Laotian planning sessions at Long Cheng, U.S. bombers, gunships, helicopters, light aircraft, and Laotian soldiers began the largest and politically most important joint operation in the recent history of the Laotian war.

Taking advantage of the Communists' overextended position, the joint U.S.-Laotian force swept into the lightly defended Plain of Jars, bringing the ground war to the Plain for the first time in more than five years.

And his conclusion that:

With the offensive, the U.S. policy of restricted bombing in northeast Laos, and more importantly, the policy of restraining the Laotian government forces from overextending themselves, largely went by the board.

Sadly, his prediction—

Few non-Laotian Vientiane observers expect these major and unexpected victories to last. As soon as the Communists can regroup, most observers feel they will sweep back onto the Plain and reverse their losses along Route 9—

Appears to be borne out by recent events.

The American people deserve to have the facts on this growing war situation. The policy that hides these facts behind the cloak of secrecy can only compound the difficult problem we already face.

I ask unanimous consent to have printed in the RECORD an article entitled "The Laotian Pendulum Swings To and Fro," written by T. D. Allmon and published in the Bangkok, Thailand, Post of September 26, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LAOTIAN PENDULUM SWINGS TO AND FRO

(By T. D. Allman)

In March of this year, taking advantage of their steadily improving system of roads and trails, the Communists massed more than five battalions around Na Khang, the supply centre for Samneua Province. In less than twenty four hours this force routed a government contingent from Na Khang and its crucial airfield. The Communists were apparently even able to bring forward anti-aircraft guns for the attack, because a U.S. jet was shot down during the fighting. With Na Khang suddenly lost, the Government's tenuous hold on Samneua Province evaporated.

In response, the U.S. increased its bombing effort in northeast Laos to its present level of about 300 sorties a day. Depending on your point of view, the North Vietnamese by attacking Na Khang, or the U.S. by increasing the bombing, had set in motion an escalatory chain of events.

U.S. bombs could not put the Laotians back in Na Khang. The main question was whether the intensified air attacks could forestall further communist advances. Significantly, certain restraints still existed on U.S. bombing. The Khang Khai area and most of the Plain of Jars were still spared. It also appears that until recently U.S. bombers tried not to hit coolie trains, on the grounds that the coolies were innocent, and perhaps friendly, civilians.

The accelerated US bombing, however, failed to halt a persistent but gradual communist advance. By May, it appeared likely that the North Vietnamese would follow up their capture of Na Khang with a successful assault on Muong Soui, a much more important base northwest of the Plain of Jars.

The result of the threat to Muong Soui was still another decision which raised the level of violence in northeast Laos. For the first time, US officials complied with long-standing Laotian requests for bombing and logistics support for an unprecedented foray into communist territory near the Plain of Jars. Such requests in the past had always been vetoed because of their implicitly escalatory nature.

In May, in a daring diversionary attack, US bombers leveled the the town of Xieng Khouang, southeast of the Plain. Laotian troops then moved in, fanned out into nearby valleys and even, for a short time pushed onto the southeast rim of the still sacrosanct Plain of Jars.

The ploy for a time seemed to succeed. Pressure on Muong Soui eased as the Communists laboriously shuttled an estimated eight combat battalions from the Muong Soui area toward Xieng Khouangville. Just as the communist counter-offensive assumed its full force, the Laotions staged a tactical retreat in US aircraft. The rains had begun. It appeared that Muong Soui had been saved, and the stalemate in northeast Laos had been preserved for another year. The price had been the destruction of the most populous communist-controlled town in northeast Laos and a definite acceleration of the US war effort there.

The ploy failed. At the end of June, overreaching themselves, the Communists seized Muong Soui anyway. They also briefly occupied a strategic road junction, Sala Phou Khoun, on the road between Vientiane and Luang Prabang and later successfully attacked a weak government position southwest of Muong Soui. It was obvious that, unlike in previous years, the main North Vietnamese force would not pull back into North Vietnam for the rainy season but remain in Laos and try to press its advantage. Vientiane observers feared another communist push, this time toward Vang Vieng, the last major progovernment neutralist stronghold.

Again the spiral of escalation had taken another swing. Was the North Vietnamese decision not to pull back this year the cause, or was the cause the unprecedented foray against Muong Soui? The two events seemed intertwined beyond analysis.

What is now fatally apparent is that the situation of late June and early July prompted still another—and much more serious—acceleration of the fighting. Early this month, following US-Laotian planning sessions at Long Cheng, US bombers, gunships, helicopters, light aircraft and Laotian soldiers began the largest and politically most important joint operation in the recent history of the Laotian war.

Taking advantage of the Communists' over-extended position, the joint US-Laotian force swept into the lightly defended Plain of Jars, bringing the ground war to the Plain for the first time in more than five years. They captured the entire Plain in less than two weeks, capping their victories with the occupation of Khang Khai, until the attack the site of a Chinese diplomatic mission.

With the offensive, the US policy of restricted bombing in northeast Laos, and more importantly, the policy of restraining the Laotian government forces from overextending themselves, largely went by the board. Simultaneously, in Central Laos, American-backed Laotian units pushed east along Route 9 toward the Ho Chi Minh trail, in an area where there had been no communist offensive for more than a year. They captured the town of Muong Phine, and an unprecedented veil of official secrecy supported incorrect reports that the Laotian force had even reached Sepone, a long-held communist town right on the Ho Chi Minh trail.

Few non-Laotian Vientiane observers expect these major and unexpected victories to last. As soon as the Communists can regroup, most observers feel they will sweep back onto the Plain and reverse their losses along Route 9. The major question, therefore, is whether or not the risk of provoking a communist counter-escalation was outweighed by the obvious havoc the thrusts wrecked on present communist military plans.

At the moment it is impossible to predict the communist reaction, no more than it would have been possible to predict two months ago such an unparallelled US-Laotian response to the fall of Muong Soui.

But the lesson of the Laos war so far has been that escalatory gestures designed to forestall anticipated defeats ultimately result in even greater set-backs.

In 1966, US-backed Laotian forces pushed the Pathet Lao out of Nam Bac in North Laos, an area they traditionally had dominated. Two years later the Pathet Lao, with North Vietnamese assistance, returned to deal the government forces a great psychological and material defeat. In 1967, the US tried to set up a system of strategic hamlets in the Sedone Valley in South Laos. The programme was designed to deprive the Ho Chi Minh trail of Laotian rice supplies. In response the Communists surrounded Saravane and moved into the Sedone Valley in force. An area of marginal government influence was denied to the Government altogether. The increased US bombing in northeast Laos this year did not prevent communist advances toward Muong Soui. The Xieng Khouangville attack did not prevent the ultimate fall of Muong Soui.

Various options for escalation still exist on both sides. It seems likely that at least some of those options will be used. North Vietnam can—but has not yet—sent in significant numbers of new troops. US B52 bombers are not yet free to roam beyond the Ho Chi Minh trail. Although several US officers and CIA agents have been killed in the Laos fighting this year, it seems impossible that the US will send significant numbers of its troops to fight in Laos.

Few officials in Vientiane have even been willing to admit that the Plain of Jars and Route 9 offensive have been under way. But the secrecy, if anything, has served to increase concern about the ultimate implications of the attacks for hopes of peace in Laos. Those who were willing to discuss the situation have taken pains to denigrate the significance of the offensives. The Plain of Jars offensive has been downplayed as a "raid" or a "diversionary exercise."

But a military action which results in the abandonment of several important restraints on the US military role in Laos, which results in the capture of most of the main communist-held towns of northeast Laos is bound to have serious effects on the future pattern of fighting in Laos.

The events of the coming months in northeast Laos should be predictably distressing. The pendulum may well swing back, this time with a correspondingly increased force. The events in central Laos along Route 9 may prove illuminating as well as distressing.

For more than a year an unofficial standdown has resulted in relative peace for Savannakhet Province. The Communists made no effort to push beyond Muong Phalane, the most advanced government-held town. The government forces held their ground but did not push on towards Muong Phine. "The Communists seem content to sit back guarding the trail; the government controls most of the rest of the province," a Vientiane official said only a few days before the present government offensive there began.

Doubtlessly, the Communists will try to re-take Muong Phine. Should they push on toward Muong Phalane, and beyond to Dong Hene, it will become once more apparent that the dialectic of reciprocal escalation has further postponed hopes for any sort of a workable Laotian peace.

Mr. SYMINGTON. I also ask unanimous consent that an unusually perceptive article by James Reston in the New York Times this morning, entitled "The Hidden War in Laos," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: THE HIDDEN WAR IN LAOS

(By James Reston)

WASHINGTON, February 26.—In his definitive foreign policy speech of last Nov. 3, Pres-

ident Nixon said: "I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

Well, you can say that again about President Nixon and his policy in Laos. He has withheld the truth about important U.S. military operations in that country. As he is de-escalating the war in Vietnam and claiming a lot of credit for it, he is escalating the war in Laos and not releasing the facts about it.

The result is that the President and the United States Senate are now arguing about U.S. military actions well known to the enemy in Laos but officially withheld from the American people. In fact, State and Defense Department officials have testified in executive session about what our "advisers" and airmen are doing there, but they have claimed executive privilege on this testimony and have refused to release it to the public.

All the Nixon Administration has conceded publicly is that it has certain "advisers" in Laos and has authorized high-level bombing of part of the enemy's supply trail that runs from North Vietnam through Laos into South Vietnam.

In addition to these high-level bombing raids, however, U.S. airmen have been flying fighter support missions for the Laotian Army in the Plaine des Jarres and even closer to the North Vietnamese and Chinese borders; training the Meo mountain tribesmen to fight the North Vietnamese and the Laotian Communists; and according to some Senators, concealing the identity of the American military assistance by transferring regular armed services personnel to the Central Intelligence Agency, and assigning military supply missions to nonmilitary U.S. private airlines.

GOLDWATER'S CANDOR

It should be noted that a great deal of information about U.S. military action there has been printed, much of it by Henry Kamm of The New York Times. The main issue is not so much about the facts, but about the right of the Administration to try to conceal the facts even after its own officials have confirmed them in private Congressional hearings.

Here, for example, is an exchange between Senator Barry Goldwater of Arizona and Senator Stuart Symington of Missouri in the Senate on Feb. 25:

Goldwater: Does the Senator mean that the United States has troops in combat in Laos?

Symington: It depends on a definition.

Goldwater: I mean Americans engaged in fighting on the ground.

Symington: I am not in a position to answer any questions . . . in open session at this time . . . because the transcript has not been released as yet on any meaningful basis. . . .

Goldwater: The reason I ask is that it has not been any secret that we have been flying fighter-support missions in support of the Laotian army up on the Plaine des Jarres. The Senator, I know, has known about that for a long time. If the information is classified, I will not press the point. . . .

There was another sharp debate in an executive meeting of the Senate Foreign Relations Committee today over the same issue of what information Senators have the right to request and what information the executive branch has the right to withhold. During a private interrogation of Dwight J. Porter, who has been nominated Ambassador to Korea, Chairman J. William Fulbright asked about the implications of deploying U.S. nuclear wapons in that part of the world.

Ambassador Porter replied that he had been instructed not to discuss this question even with members of the Foreign Relations Committee in secret session. Senator Fulbright observed that in 25 years he had never had such a reply during a confirmation hearing and demanded to know who had so instructed the Ambassador. All Mr. Porter would say was that he had been instructed "on higher authority."

THE CONSTITUTIONAL QUESTION

What is happening, in short, is precisely what President Nixon himself warned against in his Nov. 3 speech. Members of the Senate are losing confidence in what the Government is telling them about Laos; members of the press on the scene are being condemned for reporting what they see, and the President and the Foreign Relations Committee are getting into a nasty confrontation over the constitutional question of what information can be withheld, released, or suppressed.

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace" the President said, "unless they know the truth about that policy." Maybe they should not, but they are in Laos, and the President knows it.

Mr. SYMINGTON. I also ask unanimous consent that an editorial in the Wall Street Journal of this morning, "Laos and the Nixon Doctrine," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAOS AND THE NIXON DOCTRINE

The B–52 bombings on the Plain of Jars look ominously like a sharp wrench toward all-out involvement in the fighting there, but let us all hope that appearances deceive. While the inevitable overtones make the episode hard to appraise, it may help some to sort out the questions of tactical wisdom from those of strategic doctrine.

Tactical questions are especially hard to consider from half-way around the world, but we certainly do wonder precisely what these bombings are supposed to accomplish. Obviously they did not stiffen the Laotian forces enough to hold off the Communists, and we doubt that any realistic observer would have expected that result. Probably they did destroy supplies the Communists could have used in further advances, but there's reason to question that they had any such advances in mind in the first place. They and the Laotian government have been fighting back and forth on that plain for years, with no decisive repercussions elsewhere.

One would hope that by now the military command would realize that such bombings are bound to excite both the North Vietnamese and the Senate, and also that, especially in murky Southeast Asia, it's often best to leave bad enough alone. Perhaps there is a more cogent rationale than at first appears, but perhaps on the other hand these lessons simply have not been absorbed even yet.

On a strategic level our worries about the bombings are of another sort. The rationale seems to us reasonably clear, but there is one huge caveat. That is, that the Nixon doctrine means what it says, and that the Nixon Administration can stick to it in the crunch. The worries arise from lack of total confidence in this untested qualification.

The Nixon doctrine does not pledge us to forswear any attempt to resist Communist military expansion. Rather, the heart of it is that we will provide what aid we can to nations trying to resist, but that initial aid does not imply an open-ended commitment to salvage the situation come what may.

Our troubles in Vietnam do not arise from our initial commitment there, but from our allowing that commitment to become open-ended. The United States did and does have a certain national interest in seeing the Communist "war of liberation" fail in South Vietnam. But that interest was not and is not an overriding one to be pursued regardless of cost.

Our policy-makers lost that distinction somewhere along the line—in our opinion most importantly when they overthrew the host government and thereby assumed a special responsibility for whatever followed, and when they started sending ground troops without listening to the generals telling them how many troops would really be needed. Thus the costs, particularly in erosion of the consensus basis for all American politics, have outweighed any conceivable gain. Getting the costs back in line with the actual interest involved is what Vietnamization is about in Vietnam, and what the Nixon doctrine is about elsewhere.

As this applies to Laos, our interests in preserving a non-Communist government are scarcely overriding ones, certainly not ones that would justify the costs of sending ground units. Given the domestic feelings at home, the logistical problems in such difficult terrain and the proven flimsiness of the Laotian army, the costs would exceed even those of Vietnam. No policy-maker would knowingly pay them. The tragic danger is that under pressure of events they will slip into paying them without knowing it, as happened in Vietnam.

At the same time, the United States does have a certain limited interest in Laos, not only in interdicting the Ho Chi Minh trail but in preventing a Communist take-over that would add to our strategic problems in South Vietnam and Thailand. Provided—always provided—policy-makers do not get the idea this interest is open-ended, it would justify the costs involved in providing material aid and non-uniformed combat advisers. We can also conceive that it would be worth the costs of B–52 raids at a certain time and under certain circumstances, though the tactical considerations give reason to wonder whether this was the time or these the circumstances.

The Nixon doctrine tries to balance the strategic interests and costs, avoiding overcommitment without abandoning legitimate concern with smaller nations subject to Communist attack. As Laos proves, this is a difficult and highly worrisome balancing act. Carrying it off depends above all on Mr. Nixon and his advisers getting an iron grip on their own doctrine.

For if the Nixon doctrine means anything at all, it means that taking one step does not in the least commit us to take the next. That if B–52 raids fail to salvage the situation in Laos, that is reason to be wary of further investment, and absolutely not reason to try recouping the failure with still deeper involvement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, I will be glad to yield if——

Mr. JAVITS. It will just take a minute.

Mr. President, I am a member of the Symington subcommittee. I think the Senator from Missouri has struck exactly the right note. The people have a right to know; this transcript must be released. I think it has been delayed inordinately long, and I hope very much we will take the necessary action in the Committee on Foreign Relations, of which I also have the honor to be a member, to demonstrate to the Nation and the world that, as a whole committee, we

insist on it. In this matter we are the attorneys of the American people, insisting upon their right to know what the executive branch is doing in Laos.

Also, Mr. President, I hope very much that this will lend point to the desire which I have, and I think many share, to repeal the Gulf of Tonkin resolution, which may be claimed to provide some generalized authorization for our activities in the war in Laos, despite the contrary effect and intent of the national commitments resolution and the recent amendment to the Defense appropriations bill prohibiting introduction of U.S. ground combat troops in Laos.

Participation in a war, without disclosing to the Congress or the American people that we are participating in such a war, and without receiving the authorization of Cogress to conduct such activities, is not a constitutional course of action under our system of government. We in the Senate have a special responsibility for vigilance in this matter. We must not permit a new Vietnam to develop, that is a real danger with respect to the situation in Laos.

I thank my colleague for his extraordinarily fine leadership in this as in so many other matters.

Mr. SYMINGTON. Mr. President, I am very grateful to the able senior Senator from New York for his typically gracious remarks. He is a valued member and a dedicated member of the subcommittee in question.

I am glad he pointed out that in that subcommittee we are not partisan as to what should or should not be done. All we are doing is expressing our position that if this Nation is going to handle a war of this scope, then in accordance with what the President said on the 3d of November, the American people have the right to know the truth of that war. As a ranking member of the committee on the other side of the aisle observed in one of our sessions, unfortunately the American people cannot take the Hong Kong newspapers.

ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senator from California (Mr. CRANSTON) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. CRANSTON. I yield.

Mr. BYRD of West Virginia. Mr. President, I am now advised by the Parliamentarian—I want to say this for the RECORD, so that we will have something by which we might judge our actions in the future—that when the Senate goes into recess, technically, on the following calendar day, the unfinished business is before the Senate; but that when previous orders have been granted, such as was the case this morning, one recognizing the Senator from New York and one recognizing the Senator from California, this tolls the unfinished business from coming down until those orders are completed, at which time paragraph 3 of rule 8 becomes operative.

So, in my own conscience, I have been able to square myself with the Pastore rule and at the same time accommodate the able and courteous Senator from Missouri for whom I have the highest respect.

Mr. SYMINGTON. Mr. President, will the able assistant majority leader yield?

Mr. BYRD of West Virginia. If the Senator from California will yield.

Mr. SYMINGTON. For a brief observation.

Mr. CRANSTON. I yield.

Mr. SYMINGTON. Mr. President, not being in the leadership—and I say that with complete respect and sincerity—it is difficult for us to know exactly what the plans are in the Senate for the next day. When some time besides noon is chosen for the Senate to meet, and when, as I did last night just before leaving the floor after the last vote, I asked what time we were going to meet today, I was told we would meet at 10 o'clock, and I was not told there would be no morning hour. Under these circumstances, it is extremely difficult for this Senator to arrange his time, especially when this time is subsequently changed.

I would hope, therefore, especially as changing the normal time we shall meet, and changing it again, often occurs in the last few minutes of a session, some arrangement could be made whereby that information is made known at a reasonable time before the recess or adjournment of the Senate; or at least is made known immediately to the offices of the Senators involved.

I have been around here for some 18 years, and have trouble now in finding out when and on what basis I can make a short statement in the morning hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator from California again yield?

Mr. CRANSTON. I yield.

Mr. BYRD of West Virginia. May I say, with the greatest of respect, that on yesterday, before the close of business, the able majority leader stated that there would be no morning hour today, unless it were late in the day. So any Senator might have read that in the RECORD. I realize that every Senator, however, cannot read the RECORD every morning, especially when we meet so early as we did this morning. There are other things—committee meetings, meetings with constituents, telephone calls, and so forth. I am not saying this to place the blame on any Senator. But it was stated in the RECORD that there would be no morning hour.

I recognize the difficulties that are visited upon a Senator in circumstances such as those under which we are operating. May I say, most respectfully, this might be one suggestion by which I could be helpful. If any Senator will call me at my home—he has my number—or at my office in the evening—I am there until 9:30; or if he will call my office in the morning before we convene, or if he will call me on the floor, I will do everything I possibly can to accommodate that Senator. I will fully inform him, to the best of my ability, as to what the situation is going to be, and I will tell him when the Pastore rule will be made nonoperative, and I will be helpful in getting unanimous consent requests and I will do anything else I can to assist him in accordance with the rules.

I pride myself on being the general flunky of the Senate, for Senators on both sides of the aisle. I love the Senate and I love the Senators. I am here every hour that the Senate is in session, or almost 99 percent of the time, I would say; and I realize that sometimes I do not gain any Brownie points when I have to invoke a standing rule of the Senate. But I know that all Senators really want the rules enforced. It may be a little inconvenient for them from time to time, but they want the rules enforced; and as long as I am the secretary of the conference, I am going to do my best to see that the rules are made to work as I learn more and more about the rules. My term runs out at the end of this year, and if Senators do not want to reelect me, they will not. I am available almost 24 hours a day, and a Senator can contact me at any time.

Mr. SYMINGTON. With all due respect to the able and distinguished Senator from West Virginia, he is no flunky. He is the secretary of the conference, and he is an assistant leader, and he is my valued friend; and I do not intend to call him up at 10 or 11 o'clock at night.

Mr. BYRD of West Virginia. I wish the Senator would. He is a great Senator and he is my friend. And he is one of the most courtly, gracious, and understanding of all Senators. I wish he would call me at any hour.

Mr. SYMINGTON. I would present at this time that on the next to the last page of yesterday's RECORD, which means just a very few minutes before adjournment, the able and distinguished majority leader said that the Senate "stand in recess until 9:30 tomorrow morning, rather than the time of 10 a.m., previously agreed to."

I think that makes my point.

I appreciate the courtesy of the secretary of the conference, the truly great and understanding Senator from West Virginia. Because of his efforts this year along with the rest of the leadership, the Senate has been functioning with unusual dignity as well as efficiency.

Mr. BYRD of West Virginia. Mr. President, the able and gracious Senator has made his point; it is a good one, and he is quite correct. But I also want to read the RECORD, and it is as follows, on page 5083. Mr. MANSFIELD said this, under the caption "Order of Business Tomorrow":

> Mr. President, there will be no morning hour tomorrow for the conduct of morning business, unless it occurs late in the afternoon.

Mr. President, the Senator from Missouri has made a valid point, and I think it might be a good idea if the leadership, at the end of each day, would recapitulate just what the orders are for the following day. That would accommodate every Senator, I think, upon reading the RECORD. Each Senator could read the RECORD at its close and find a summation of the orders for the following day. I am going to see if I can personally be help-

ful in bringing that about to the best of my ability.

I thank the Senator from Missouri, and I thank the Senator from California.

Mr. CRANSTON. Mr. President, I suggest that the distinguished secretary of the conference now ask unanimous consent that I still have 15 minutes.

Mr. BYRD of West Virginia. Mr. President, with my life, I would defend the right of the able Senator from California to have his full 15 minutes; and I therefore ask unanimous consent that the Senator's time begin running now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I thank the Senator from West Virginia.

ATTACK ON SENATE CONFEREES ON H.R. 11959—VETERANS EDUCATION AND TRAINING ASSISTANCE

Mr. CRANSTON. Mr. President, yesterday, a Member of the other body made some most unfortunate and uncharitable remarks about actions of the Senate conferees on H.R. 11959, the Veterans Education and Training Assistance Amendments Act of 1969, which is currently pending in conference. As chairman of the Senate conferees on this bill, I wish to respond to this gentleman's wholly unwarranted and counterproductive attack upon the integrity of the appointed representatives of this body.

First of all, let the record speak for itself as to who is making political hay, as the gentleman accuses, over this bill. It is surely not I or, I am sure, any other Senate conferee. Rather, the history of the Senate's consideration of this bill has been marked with a bipartisan spirit. Thus, the Subcommittee on Veterans' Affairs, as well as the full Labor and Public Welfare Committee, voted unanimously to report the bill to the Senate. And that body approved the committee recommendation in a 77-to-0 rollcall vote.

I acknowledge, in all fairness, that the House originally passed its bill on August 4, 1969, 80 days before the Senate passed a revised and substantially expanded version on October 23. Then, however, after waiting 7 weeks for action by the other body, the Senate on December 18—moving with dispatch the very same day that the House rejected the crux of the Senate's October 23 bill—disagreed to the House amendment, requested a conference, and appointed its conferees. In doing so, the Senate was doing no more than affirming its overwhelming and unanimous earlier vote. I then immediately tried to arrange a conference with the other side to iron out our differences before adjournment of the first session. But this proved impossible. If the gentleman had checked the RECORD of December 19, he would have found that I fully explained all this in a floor statement that day.

Since then, the Senate conferees have been most anxious to get to the conference table, for that is where the compromises must be struck. No conference "remained blocked since December 18," as the gentleman has asserted, for the simple reason that the House agreed to a conference and appointed its conferees only on January 26, and then the Senate conferees readily agreed to the first date proposed for the conference—February 5.

Now where is the political hay in all that? What we on the Senate side have been saying all along is: Let us sit down and talk this out. But just as this gentleman has manufactured his own story about the history of negotiations on this bill, so he has attributed to the Senate conferees the assertion that they would not compromise on this bill. As chairman of the Senate conferees, I categorically deny that there was ever any such Senate statement, attitude, or intention. We have urged from the start, and continue to urge, that we iron out our disagreements as quickly as possible. That is what the Senate charged us to do when it appointed us conferees. We have been fully faithful to our charge.

It seems clear to me that it is this new self-appointed protector of veterans' interests who is piling on the political hay. And his partisan attack on this body's rectitude threatens to destroy the hopeful progress that has been made over the last few weeks toward working out a fair and equitable resolution of our differences over this bill.

For at the conference meeting on February 5, both sides, after explaining the bases for their different approaches to the GI bill rate question, agreed that the two committee staffs should seek to ascertain certain disputed statistics, and should get together to work out or narrow down as many as possible of the differences. There have followed numerous meetings and conversations, all amicable and highly conciliatory on both sides, between the staffs leading to many tentative agreements and recommendations. The remarkably able and experienced staff director of the House committee, and the very effective counsel for the Senate subcommittee, have cooperated with confidence and competence toward a meeting of the minds that may well prove acceptable by the conferees of both Houses and both political parties. Now all this excellent cooperation is threatened by this gentleman's attack.

Of course, he probably does not know about all of this progress. And why should he? What is his record for serving the vital interests of our veterans? Is he a member of his body's Veterans' Committee? No. Is he a conferee on this bill? No. Has he ever sponsored or even cosponsored a veterans bill which has been passed by the House, let alone been enacted? No. My research indicates that in his 3 years in the Congress he has introduced only two veterans bills, one in the 90th Congress and one in the 91st Congress, both for the laudable but hardly substantively significant purpose of renaming the VA cemetery in Houston. And I have been able to discover that he has cosponsored only one piece of veterans legislation, which was introduced in the 90th Congress, and on which hearings were never held.

Where, in short, to borrow a legalism, is his standing to complain? His motivation, however, seems plain: Political ambition and opportunism at the possible expense of the Congress opportunity to resolve this bill for the benefit of our veterans who, we all agree, badly need and deserve a substantial GI bill rate increase.

This reckless disregard of the facts is made even clearer when we place it in the context of the valiant efforts for veterans made by the two Texans who chair the committees involved in this conference—Senator RALPH W. YARBOROUGH and Congressman OLIN E. TEAGUE. Although I am only newly involved in veterans work in the Congress, these two outstanding legislators have between them been laboring in this field for a combined period of more than three decades. Through their great efforts and over the opposition of three successive Presidents, a post-Korean GI bill was finally enacted and signed into law in 1966, and was then most effectively amended and expanded in both 1967 and 1968.

Chairman TEAGUE'S long and great leadership in veterans' legislation is known to all veterans; as is Senator YARBOROUGH'S, who served as chairman of the Veterans' Affairs Subcommittee of the Senate for 7 years, longer than has any other Senator. It would take me a great deal more time to chronicle all of the important veterans' legislation which has been enacted through their joint efforts. Yet, unless I misread my veterans' legislation history, I find nowhere mentioned in its pages this self-appointed Texan from Connecticut who is trying to sell a carpetbag full of wooden nutmegs at the expense of American veterans, who has hurled himself into a supposed fray, flailing about at self-imagined windmills, and who is attempting to mount the white charger of veterans' service while that steed is already proceeding steadily down the track toward the finish.

All this suggests only one possible outcome to his efforts: That his abortive attempt to mount up—to jump belatedly on the veterans' bandwagon—will result in his falling quite flat upon his face while two true Texans finish the race in grand fashion.

I think that the clearest rebuttal to these outrageous charges is for all of us to redouble our efforts to resolve our differences as soon as possible and move the bill to the President for signature.

ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, may I say, before the Senate proceeds with the pending business, I anticipate a difficult day today. We will have before the Senate an important bill, the HEW appropriation bill. Staff members of the Appropriations Committee will, of necessity, be on the floor. Therefore, I would hope that other staff members not needed on the floor would sit in the staff gallery in order to avoid so much commotion and congestion on the floor of the Senate.

Some Senators will be involved in debate and will need a staff member with them. I am not questioning their right to that and am not suggesting that those staff members stay off the floor.

But if a staff member who comes to the floor knows that he is needed here, he can accommodate his Senator and the Senate by sitting in the staff gallery. I would hope that all staff members would place some restraint upon themselves to accommodate the Senate in this way.

This is Friday. We came in early. We

hope to complete action on this bill so as not to have a session tomorrow. Thus, if we could have the cooperation of staffs and Senators, it would be greatly appreciated.

When my staff member comes to the Chamber, I meet him outside the door. I do not let him sit in the Chamber. Of course, once in a while I am not conscious immediately of his being here. I understand that all Senators need not follow my way of doing things, but most of the time I am conscious of the presence of my staff being on the floor, and I try to keep them out of the Chamber as much as I possibly can.

Having said that, Mr. President, I want to compliment the members of the staffs of Senators. I have noted, in the past several days, particularly on my side of the aisle where I work most, that staff members have been sitting quietly in the seats at the rear of the Chamber. They have not been standing or walking around in the aisles and getting in the way of Senators. They have sat quietly in the seats. I want to compliment them.

I also want to compliment the Sergeant at Arms and his staff for reminding them to do this.

I hope that the Sergeant at Arms, throughout the day, will keep the lobby clear of staff members except when they are seated there with their Senators; and, if they are going to be in the Chamber, I hope the Chair will instruct the Sergeant at Arms to keep them seated in the rear, or ask them to leave the Chamber, so that we can have better order and decorum in this Chamber, and so that we can proceed with our important business as expeditiously as possible.

Having said that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The point of the Senator from West Virginia is well taken. Unfortunately, there are few Senators in the Chamber at this moment to hear him, but I would hope that the Sergeant at Arms would heed the wise words of the Senator from West Virginia and that staff members come into the Chamber only to make known the wishes of their Senators, and that those staff members who are not absolutely essential to the work of the Senate seat themselves in the staff gallery.

The Chair would order the Sergeant at Arms to so advise members of the staff during the remainder of today.

Mr. YARBOROUGH. Mr. President, will the Senator from West Virginia yield for an inquiry?

Mr. MANSFIELD. Mr. President, I would hope that there would not be too much said, now that we are under control of the germaneness rule, so that we could, if possible, get on with the bill.

Mr. YARBOROUGH. Mr. President, I should like the Senator from West Virginia to yield to me for an inquiry. Do I correctly understand the Senator to say that he did not make a motion to exclude staff members today?

Mr. BYRD of West Virginia. Oh, no. I did not.

I state for the benefit of the majority leader, who was temporarily off the floor when I made my statement, that I thought before we began our important business of this day, we ought to have some understanding that staff members would not create so much confusion and congestion on the floor, so that we might expedite Senate business.

Mr. MANSFIELD. I agree.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATON, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. H.R. 15931, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Is my understanding correct that, the pending business having been laid before the Senate, the first business would be the committee amendments to the bill?

The PRESIDING OFFICER. The first business is the committee amendments.

Mr. COTTON. I thank the Chair.

The PRESIDING OFFICER. The first committee amendment will be stated.

The legislative clerk read as follows:

On page 61, after line 8, insert a new section, as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: *Provided*, That in the application of this limitation, no appropriation may be reduced by more than 15 per centum."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the bill, H.R. 15931, making appropriations for the Department of Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1970, as reported to the Senate by the Committee on Appropriations totals $19,381,920,200, which is the same as the House-passed bill, and $579,681,500 above the current appropriations request, submitted February 21.

I must suggest that the current request was the last offer sent up from the executive department in a letter to the Speaker of the House of Representatives on February 2, 1970, after the veto, and the administration suggested how far Congress should go on many items.

The House then proceeded to go over that third appropriation request or the last request. There have been some other informal discussions, requests, and many things said since then, but this is the only formal request we have before us.

The House proceeded to go over that request by $579,681,500; and it is $365,233,000 under the amount enacted by Congress in H.R. 13111—the first HEW appropriation bill that was vetoed—and $773,794,500 over the fiscal year 1970 revised budget estimate. That is the so-called Nixon budget estimate that first came to Congress in April and May. This bill is now $153,616,400 over the amount of comparable appropriations for 1969.

So the figures on this matter are now as follows: The bill totals $19,381,920,200. This is the House bill, which again is $579,681,500 over the current appropriation offer made by the President February 2, and which he said he would agree to, which, in turn, is $365,233,000 under the amount enacted by Congress in the original bill that was first vetoed; and it is $773 million over the President's first budget estimate, which he sent here in April of last year; and it is $153,616,000 over the amount that was appropriated in 1969, under which the departments have been running under the continuing resolution up to now.

The continuing resolution that we passed a month ago will expire tomorrow at midnight. We would have to pass a new continuing resolution or act expeditiously on the bill in a matter of 2 or 3 days. The departments have told me that it does not make too much difference if we did it in the middle of next week, because there is involved the payrolls of all of these departments, among other things.

The bill as reported by the committee in the Senate contains one major change from the House passed bill—a new section, section 411, under title IV, General Provisions. The effect of this new language is to limit the overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House. This was an amendment offered by the distinguished Senator from New Hampshire. The effect of the committee language is to limit overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House.

Section 411 places a limitation in the bill on the amount available for expenditure of not to exceed 98 percent of the appropriations excepting three trust funds, social security, railroad retirement and—a minor item; not minor in importance but minor in dollars—the Soldiers' Home. The total, therefore, subject to the 2-percent reduction is about $17,339 million.

This amounts to the best we have been able to figure out. I know the Senator from New Hampshire will have these figures. As I have said, the effect of the new language is to limit the overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House.

In committee the chairman moved to accept the House figures. The Senator from New Hampshire moved his amendment, the so-called 2-percent amendment, and the committee voted on that;

so there was no vote on the House passed figures.

Since the bill as reported is $579 million over the President's alternative budget, a reduction of $347 million would still leave the bill at $232 million above the level proposed by the President on February 2 in his last offer of an alternative budget.

This is what confronts the Senate in money items on the matter of the so-called 2-percent amendment. The chairman expects to move to put this in focus, to accept the House figures. Then, again, the Senator from New Hampshire could make the same objection or object to that and we would have a vote up or down on the 2-percent amendment or the House figure.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Before the Senator entered the Chamber the Senator from New Hampshire propounded a parliamentary inquiry and it was the ruling of the Chair that the committee amendment is the pending business, so it does not require a motion.

Mr. MAGNUSON. I see. If we are for the House figures we would vote against the committee amendment.

Mr. COTTON. That is correct.

Mr. MAGNUSON. It would just reverse the figure.

Mr. COTTON. That is correct. It does not necessitate a motion by either the Senator from Washington or the Senator from New Hampshire.

Mr. MAGNUSON. The Senator from New Hampshire heard these figures, and I think they are accurate.

Mr. COTTON. I will say to the Senator that they are accurate according to the calculations not only of the Senator from New Hampshire but also the budget officer of HEW, that if the amendment offered by the Senator from New Hampshire, and which is now pending, is adopted, it would increase the President's so-called compromise offer of February 2 by $347 million, but it leaves $232 million that the President will have to spend over his compromise.

Mr. MAGNUSON. Over his last—February 2—alternative budget.

Mr. COTTON. That is correct.

Mr. MAGNUSON. Mr. President, I have a general statement on the bill which I think should be placed in the RECORD, because I suppose no one knows better than does the distinguished occupant of the chair (Mr. RIBICOFF) how complicated an HEW appropriation bill can be and how confusing it can be sometimes when changes of programs are constantly being made; such as, for instance, when there is a shift of responsibility of departments; as when the OEO, for instance, is responsible for the money for the job-training program which is administered by the Department of Labor; or the Headstart program, the money for which comes from one agency but is administered by another. There are a number of confusing programs. For some of them we understand the reasons. Some of them are new or untried. Some of them are subject to a great number of changes, particularly when a new administration wishes to try a new approach.

The Senator from New Hampshire (Mr. COTTON) and I must honestly and frankly say that sometimes we had a little trouble keeping up, figurewise and moneywise, with just what was going on.

As a matter of fact, we did not have authorizations for many programs. A part of the bill is over $2 billion for OEO. We did not have an authorization for OEO until late November. That part of the budget was sent up by the Bureau of the Budget itself on November 17. That did a great deal to cause some of the difficulty we are in today.

But, as already noted, the difference between this bill—that is, the bill sent to the Senate by the House—and the President's current recommendations of February 2, again discussed just now by the Senator from New Hampshire and myself, is $579,681,500, which amounts to about a 2.92-percent increase over the President's recommendations on February 2. It is approximately 2.84 percent of the total bill, and includes the Department of Labor.

The amendment of the Senator from New Hampshire (Mr. COTTON), which is now pending, would deal with 2 percent. So the 0.92 percent is still in the bill, regardless of the amendment.

Of the $579 million increase, $480 million is in the Office of Education; $45 million in the National Institutes of Health; $38.5 million is in the health service and mental health administration; $9.9 million in Social Rehabilitation Service; and $6 million in a somewhat new Bureau of Consumer Protection and Environmental Health Service.

I hope there will now be no confusion about the particulars of this difference. I think Senators will find our committee report is very specific and shows the 1969 level of fundings on two original budget estimates and the action of Congress on the original bill that was vetoed by the President.

The administration alternatives are shown where applicable in the House and Senate allowances.

The net difference of $579 million is important, and I would like to detail the specific items of the difference. I think they are significant, but I think they are also important because we do not want any misunderstanding about them, and the pending business before us.

The $6 million for consumer protection and environmental health services involved air pollution control. That is within this section of HEW. The only difference with the current administration request—and I want to keep the record straight on this—is in the alternative of $6 million for air pollution control. This $6 million had been added to the research and demonstration funds within the research and demonstration allocations.

The $45 million is for section 104 research. This increase would accelerate work in areas of developing new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels. This is section 104 of the Clean Air Act.

This amendment was primarily sponsored by Senators and Representatives whose States are involved in coal mining. Alabama would be one—West Virginia and Pennsylvania. We are trying to see if we cannot have a better way of cleaning up smoke coming from powerplants that use coal. I think it is a very important program. That is involved in the $6 million, because it was added by the Senate committee to the original House figures. The Senator from West Virginia (Mr. BYRD), who is a member of the committee, was the main sponsor of that amendment. We all agreed that it was very important that we should do this. It refers to solid wastes. What they learn can be used in many other ways through the country with respect to other sources of energy.

Special emphasis would be placed on the following in this program:

First. Research and development leading to development of a low pollution automobile, including a supplementary incentive to stimulate industry to produce such a low emission vehicle.

This is a matter in which the Senator from Washington has been deeply interested, because the Committee on Commerce has been active in this field for some time. We have a bill pending, on which we held hearings. We were practically unanimous in proposing that a beginning be made by directing that Government purchases of automobiles be guided by new standards for low emission vehicles. The Government, being the largest purchaser of automobiles in the United States, this would be a pilot operation to get this program started.

The Senator from Connecticut (Mr. RIBICOFF), who is now in the chair, talked about this back when he was Governor of the State of Connecticut, and before he became Secretary of Health, Education, and Welfare.

I must report that the manufacturers are at least making some starts in the development of low-emission automobiles. The fuel people are working on fuels that would be nonlead and produce less objectionable emissions. That is included in this amount and program.

The reason for this is obvious. The automobile is the real villain in air pollution. There are various estimates, but the most conservative would be that from 63 percent to 70 percent of all air pollution in the United States comes from automobiles.

Another portion of this increase is the further development of technology is involved in the control of pollutants emitted from stationary sources. These will be plants, which may include powerplants. In my part of the country, they would be pulp and paper mills, which emit a great deal of pollutants. Technologically we know how to take care of that. It costs money, but we are doing it. The State pollution commission in my State is doing a good job, as also is Oregon, where they too have pulp and paper mills. The people in the industry themselves are doing some of it.

It would also include coal research projects. That is involved in the $6 million for air pollution control.

I say it is involved because the amount of money for these projects was put in the bill after the original budget was sent to Congress. I do not know whether the $6 million will be the particular item to be cut, but the tendency is to cut items that were put in the bill last. This would

involve very important projects of research; $6.3 million is involved here.

Again I reiterate that I do not know where those amounts would be cut if the Cotton amendment remains in the bill. It would be speculative. It would be up to the President of the United States.

But if my experience is worth anything, I have always found that, where there are cuts, the cuts are usually zeroed in on things like this, that are put in last by the Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Even if the cut were put on that, though, on the Cotton amendment, as I understand it, it could not exceed 15 percent of the $6.3 million?

Mr. MAGNUSON. No. If 15 percent were cut out of the total for air pollution control—if it were; as I say, I do not know—it would be $16,320,000. That would be the amount from the appropriation of $108 million recommended by both the Senate and the House of Representatives.

Mr. HOLLAND. Is that total on one line item, or is it divided——

Mr. MAGNUSON. Air pollution control is one line item.

Mr. HOLLAND. I thank the Senator.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I would like to state at this point, for the information of the Senate, that I am authorized, on this matter of air pollution control, to say for the Secretary of Health, Education, and Welfare that his recommendation to the President would be that it be cut not more than $6 million.

Mr. MAGNUSON. Yes; that is what I am speaking of. I think the Senator from New Hampshire and I and the Senator from Florida, as the members of the committee who are present in the Chamber, are again just speculating as to exactly what they would do, but I assume from experience that this would be correct.

Now, on mental health, the alternative budget of the President was $354 million. The Senate committee recommendation was $360 million. I believe the House bill was in that amount also.

In that particular case, if there were a 15-percent reduction, that total would be reduced by $54,045,000. I am not saying that that would be done; but assuming they cut $6,300,000 out of the figure in health services and mental health administration, the increase that the Congress put in would support an additional 21 new construction grants for community mental health centers.

The development of these community facilities has been a significant factor, we think, in reducing the size of patient populations in the Nation's mental hospitals. All this has been a major advance in the treatment of the mentally ill.

I am quite concerned, from experience, about this phase of our health program, because for years I have had the responsibility of handling the independent offices appropriation bill, which included the Veterans' Administration appropriations. In that area, the cost for in-hospital care and outpatient care has constantly gone up. In the last budget, in-hospital care was over $1.2 billion for the 182 veterans hospitals.

For years, despite the money provided for research, we have found that every other bed in these hospitals is occupied by what we call an MP or a mental case. We are not making as much progress as we should; it has been on a plateau, and that is a startling figure—every other bed.

I mention the veterans hospitals in this connection because the same thing is true when we direct our attention to nonveterans hospitals and outpatient facilities. So there is a tremendous dollar cost, to say nothing of the disruption of family life, the suffering, and all the other social costs that go with an MP case.

I believe it is essential that the momentum developed by this program not be lost; and it is hoped that this increase will maintain the pace.

It should be noted that the President has agreed on our increases carried in the previous bill in the related field—which initiates a new grant program for community alcoholism treatment and rehabilitation programs. That provides an increase of $4 million, making a total of $12 million in this bill for narcotics addiction and alcoholism community assistance. That figure will support approximately 23 new staffing grants for alcoholism treatment and rehabilitation programs.

A great deal of this money is for grants in aid to help local authorities deal with the problem of alcoholism, and there have been some very remarkable advances throughout the country by counties that are responsible; where they might have the county jail filled with alcoholics, and no treatment, they have established, in many cases, what they call county farms where the alcoholics can be out in the open and receive treatment. This is what we are trying to achieve, even with private centers, in this particular program. The number of people involved is staggering.

Proceeding to another item, hospital construction: Under the Hill-Burton Act, the recommendation is $82 million less than that in the previous bill, the one which the President vetoed, but $22 million more than the current request of the administration. This new total that we have in the House bill, which we would like to sustain, will produce an estimated 4,820 beds and 15 new health centers—an increase of 1,855 beds and five health centers over the current request. This is for new construction.

For modernization, some 50 projects will provide 3,270 additional beds, an increase of 19 projects and 1,260 beds over the last current budget request.

For long-term care facilities, an estimated 158 nursing homes and chronic disease projects will provide 8,920 beds—a decrease of 16 projects and 900 beds from the budget request; for diagnostic and treatment centers, an estimated 63 projects; and for rehabilitation facilities, an estimated 26 projects.

The emphasis of our recommendations is on the need for hospitals and public health centers, both new construction and modernization, although long-term care facilities, within the total, received the largest single amount, $63 million.

Locally, for the District of Columbia medical facilities, the $10 million for District of Columbia medical facilities is composed of and broken down into $3.5 million in grants and $6.5 million in loans to construct and modernize private, nonprofit medical facilities. That involves seven or eight hospitals in the District, all nonprofit, such as Georgetown, George Washington, the Children's Hospital, and Rogers Memorial Hospital. At the time of our hearings, five projects were involved. Two were under construction at the Georgetown University Medical Center and George Washington University. Planning funds were needed for the Children's Hospital; construction was ready to begin at Rogers Memorial Hospital and Casualty Hospital; and funds were needed to finish the planning and installation of an emergency generator system at the Washington Hospital Center.

A small amount—$75,000—would be allocated for the Cafritz Memorial Hospital, to plan a facility which it needs to increase outpatient services in the Anacostia area.

So this $10 million provides the second step in the orderly implementation of a program that will help overcome deficiencies in medical facilities here in the District of Columbia. It should not be confused with the $15 million provided in the second supplemental appropriation of last year.

I recite the District of Columbia facilities because we have charge of that. But I think this could be projected for probably any area of the United States; the ratio and the problem are about the same.

NATIONAL INSTITUTES OF HEALTH

First, I want to compliment the administration for accepting the Congressional increases in our previous bill for the Institutes of Cancer, Heart, Child Health and Human Development, Dental Research, and the new Eye Institute, and for direct institutional support for health professions schools.

This is a most important item, and I need not recite the figures. Everyone knows them and knows of the shortage of medically trained people, from doctors to laboratory assistants and nurses. We are short 50,000 doctors by any conservative estimate. I do not know how many dentists we are short. If anyone within the sound of my voice does not believe we have a shortage of dentists, I suggest he try to get an appointment with a dentist and then not show up. He will be off the dentist's list. Sometimes that may not be a bad idea. I always think of reasons why I should not go to the dentist. There is a great shortage in that field, but the big shortage is in trained personnel to do the things that the doctor or dentist should not need to do, and to do them well—laboratory assistants and all the other items that go with the delivery of health.

We feel very strongly that the other constituent institutes of NIH are no less important to the health and future well-being of the American people than the perhaps somewhat more glamorous pro-

grams for which increases are now accepted in current requests.

I should not say "glamorous"—more well-known, such as cancer, heart, and child health and human development. We have been working on cancer research now for many, many years. We are making some progress. I had the privilege of introducing the first bill to establish the first cancer institute, when I was a Member of the House, in 1938. That was 32 years ago. We are making some progress, but not as much as we would like. We feel just as strongly about the other institutes.

Our new recommendations include a difference of $44,994,500 over the current requests. Some $33 million is within programs of the research institutes; $10.2 million is directly student loans under health manpower; $835,000 is for dental health, and $900,000 is for the Lister Hill Biomedical Communications Network. This has been set up in honor of the former chairman of this committee, who, as Members of the Senate know, has done much in the field of health over the years.

I will detail the specific increases at NIH.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES, $8,666,000

The additional $8.6 million for the Institute of Arthritis and Metabolic Diseases brings them to a level $2.4 above 1969—and increases their funds less than 2 percent over last year.

With these funds an additional 124 fellowships will be granted—and, like all NIH fellowships, these enable selected and highly motivated scientists to prepare themselves for academic careers as biomedical teachers and research workers, and thus determine largely the production of the teaching manpower in our Nation's health professions schools. You have to start with teachers before you can produce the manpower that is so sorely needed in this country.

The increase will go far toward assuring that established and new medical schools in our country will be able to turn out the increased number of physicians we so sorely need. These fellowships do not take doctors away from the practice of medicine.

Training grants will be increased by at least 27 awards, helping to develop academic clinical specialists who will be tomorrow's research workers and teachers—and who also will train health professions students in the delivery of up-to-date health care for our citizens.

One million dollars of this—this may be a small amount in a $19 billion bill—is for the artificial kidney program.

I need not tell any Senators present—the Senator from Michigan (Mr. GRIFFIN) or the Senator from Connecticut (Mr. RIBICOFF)—how important that is.

I will say to the Senator from Michigan that this program happened to originate with a doctor in Seattle, in the University of Washington and the Swedish Hospital Center. It is costly. In the beginning, the people would die unless they had these kidney machines. The cruel thing they had to do was to put the names in a glass bottle and draw lots, and the lucky ones could live for years sometimes, with a kidney machine, and the others could not.

We, of course, do not expect to furnish all the money for these programs. But the artificial kidney program is directly involved with these machines, because the artificial kidney would help those who could not afford trained personnel, and that might be the alternative.

Mr. GRIFFIN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. I am trying to understand the Senator's point. Is he saying that the adoption of the Cotton amendment would automatically affect this kidney machine program?

Mr. MAGNUSON. No. The whole matter is $8,666,000, but it would be affected in the research of artificial kidneys which, in turn, is the alternative for the people who cannot afford the machines.

Mr. GRIFFIN. I am trying to understand what the impact of our action here will be. Are funds for that program cut out of the bill reported by the committee of which the Senator is chairman, or is he saying it will be affected if the Cotton amendment is adopted?

Mr. MAGNUSON. We estimate that a million dollars would be affected.

Mr. GRIFFIN. By which action?

Mr. MAGNUSON. By the 2-percent cut.

Mr. GRIFFIN. That is assuming that the President of the United States would choose to make his cuts in that area. Is that not correct?

Mr. MAGNUSON. That is correct. Because he is going to take $8,666,000, as I understand, out of the Institute of Arthritis and Metabolic Diseases.

Mr. COTTON. Out of a total of what?

Mr. MAGNUSON. We have the total here.

Mr. COTTON. I mean the total of that particular appropriation.

Mr. MAGNUSON. We have the total. He could not cut it over 15 percent.

Mr. COTTON. I understand.

Mr. GRIFFIN. It does not necessarily follow that the artificial kidney program——

Mr. MAGNUSON. The whole tenor of my remarks is that, from experience, I am assuming that if the 2 percent is cut, this is where the cuts will be; and if this is adopted, I think I can show the Senator that I am not very far wrong.

Mr. GRIFFIN. That is a prediction that the chairman is making.

Mr. MAGNUSON. We have the figures. We were informed of the figures only yesterday, as the Senator knows.

The total figure for the Institute of Arthritis and Metabolic Disease is $146 million.

Mr. COTTON. $146 million? The President proposes only to deduct $8.6 million.

Mr. MAGNUSON. Yes. That is what he said.

Mr. COTTON. So that it will not wreck the program.

Mr. MAGNUSON. Oh, no. I did not say that. I said that within the $8.6 million there will be $1 million cut out. I do not think the Senator will dispute that figure because that is what will happen.

Mr. COTTON. I am the one who gave you the figure.

Mr. MAGNUSON. Yes. The Senator did give me that figure.

There will be $1 million for the artificial kidney program, another $1 million will expand and strengthen the clinical research center program on arthritis, And some $500,000 will move the program of clinical studies in Phoenix, Ariz.—among the Indian population—where unique opportunities for studies on diabetes and gallbladder diseases exist—and this comes after several years of planning.

I am merely indicating within the 2 percent what will be cut out. I will compare notes with the Senator from New Hampshire if the 2 percent stays in. I will not be far off. I should not be off at all.

Now the next item would be under the 2 percent. If the Senator from Michigan is still confused, I am talking about what would happen under the 2 percent, not the full amount.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE, $5,722,000

About $4 million of this $5.7 increase will be for training grants and fellowships.

This Institute is supporting most of the work being done in mongolism, stroke, and the disorders of human communications.

They made the breakthrough in Parkinsonism—with L-Dopa and they are working on research of viruses that may cause such chronic diseases as MS—multiple sclerosis—and other disorders of the central nervous system. I am sure that neither the Secretary of Health, Education, and Welfare nor the President would touch this particular item, because of the great work that is being done out here at Georgetown by Dr. Coleman, with the new drug L-Dopa. They have made a breakthrough in this field on Parkinson's disease. We have a distinguished U.S. Senator who has benefited greatly from it just recently.

Another study and major activity of this Institute is of drugs likely to be effective for epilepsy and research on the early diagnosis and treatment of short epileptic attacks in children.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

About $600,000 of this increase will provide some 16 additional research grant awards—and $500,000 will make possible 46 more fellowship awards.

This is almost a 25-percent increase in the availability of trained professional researches within the categorical interests of this Institute, if the home figure stays in.

Many of us have heard about slow viruses and very little is known except that they appear to be the causes for some of the very worst of chronic and degenerative diseases.

Considerable work is being done with slow viruses by this Institute, and a portion of the $1.3 million increase has been allocated toward pushing this vital research forward.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES, $10,356,000

The $10.3 million recommended increase for NIGMS will allow $6.5 million more for training grants and fellowships; $2.3 million more for 30 new re-

search project grants, and some $1.5 more for collaborative research and development.

Running all through this—even though the 2 percent may sound like a small amount—are the cuts of grants and fellowships and loans.

The increase will support 27 additional training projects and 300 new fellowships—with special emphasis in those areas closely related to teaching of medical students. If we have any crisis in America, it is the problem of delivery in medicine—that is, manpower, lack of people that know how to do this work. That goes all the way from doctors down to laboratory assistants.

Under their program of collaborative research and development activities, the increase will support contracts for bioengineering, instrumentation devices and systems for use in prevention, diagnosis, and treatment of disease, trauma, and other causes of disability—and for research and development of prototype instruments. This is a comparatively new field that we want to encourage—that is, the field of bioengineering. It has served a great purpose in artificial kidney machines and different problems that medical research have got to work hand in hand with engineers on in order to produce results.

This Institute is the one most involved with the "hardware" of modern medicine—biomedical engineering—and I am especially interested in this aspect of their work and what has been accomplished in recent years. I must say to the Senator from New Hampshire that he and I thought this money was well worth it. That is why we recommended it originally.

But I do not want to minimize their important contributions in providing special training for prospective faculty members for health professions schools. In this manner they contribute to the improvement in quality as well as the quantity of medical education—and the development of more physicians and other personnel able to meet the great demands upon health manpower.

GENERAL RESEARCH AND SERVICES, NIH, $6,960,000

General research and services is the division of NIH which is responsible for the general clinical research centers program—which all of us remember hearing so much about from our people in our respective States—the animal resources program, which includes the primate centers, and the special research resources program.

The bulk of this increase of $6.9 million will provide additional support for those general clinical research centers—there were some 93 of them around the Nation, and last year the NIH contribution toward their support provided for an estimated 240,000 patient-bed days.

The increase provided herein would merely compensate for the rising costs of hospitalization and allow for the maintenance of all 93 centers.

Support would be available for all of the approved beds, increasing the patient-bed days to 255,000—and establishing a bed occupancy rate of 67 percent.

HEALTH MANPOWER, $10,250,000

A major deficiency in the original budget estimates sent to the Congress was in these programs of health manpower. And I want to compliment those in the Budget Bureau who allowed a portion of the congressional increases to remain. I am talking about the original revised budget which the President sent up last April on programs of health and manpower.

Again, I want to compliment those in the Budget who allowed a proportion of the congressional increases to remain over this original budget. I refer to our previous bill that recommended an additional $6.2 million in institutional support. This remained in the current proposals.

It is debatable, but perhaps we are "holding our own" in helping to meet the institutional support needs for all of these schools in the health professions, nursing, public health, and allied health professions.

But it is obvious we are not keeping pace with the direct student assistance needs of all these professional schools. At the same time they are all striving to increase enrollments and help to meet the massive health manpower needs of our Nation.

There is clearly a serious lack of loan funds for students in the health professions and nursing.

The original budget estimates, while $10 million less than our recommendation, would have placed heavier emphasis upon scholarships. Last year, some 23,500 scholarships were granted under these programs for nurses and health professions students. Under our proposals, some 24,200 scholarships can be granted this year.

The original budget request and the current request, would cut back loan funds by almost one-third. This is a field that is so badly needed due to the lack of health manpower.

Last year, approximately 52,000 loans were available and under our proposal about 48,700 will be available this year. So we are moving backward.

This will meet 60 percent of the funds requested by health professions schools and 86 percent of the funds requested by nursing schools according to the director of this program at NIH.

I wish we could meet 100 percent of the loan requirements of these students. We get paid back. They are needed, and the amounts are conservative. And it is the only way we can do something about the delivery of health care.

Increasingly, the financial burdens of college have erected barriers to students from a majority of families in our Nation, and our concern for this is reflected in our attention to all student financial aid programs.

But in the health professions and nursing, we must not price out qualified students. I do not know what it costs today for a person to go through medical school. Without some kind of determination, I would think a conservative estimate would be at least $5,000 a year. Obviously, a person has to come from a higher income family or have some assistance to do that.

There are so many qualified people who could not afford this amount of money. What we are trying to do is to give a modicum of money for this purpose.

The demands for admission to these professional schools far exceeds the places available. It would be a tragedy, I believe, to add to any admission procedures the requirement of personal wealth.

Our efforts to meet the critical health manpower needs of our Nation must combine increasing the enrollment potential of these schools with keeping the doors open to every qualified student, regardless of his income.

Our recommendations will help to keep those doors open.

I need not say much about this increase—we all know the shortages of dentists is acute everywhere.

This $835,000 will help to support programs of this Institute that is not only helping to train more dentists, but ex-expand the capabilities of individual dentists to treat people by supplying an increasing number of highly qualified dental auxiliary personnel.

Under the buildings and facilities account at NIH we have recommended an increase of $900,000. And this is earmarked for the planning of the Lister Hill National Center for Biomedical Communications. This is a new program. The committee was unanimous on this matter. I do not think the 2 percent would affect it one way or the other.

Ultimately, this Center will be an annex to the present National Library of Medicine.

With the increasing accumulation of knowledge about medicine and related health subjects, and the state of the art—we are becoming increasingly bogged down in getting the new knowledge out to the practicing physician.

Some dramatic experiments are now underway, under other programs, that are proving the practical value of new communications systems—especially in rural areas.

We can agree that it is wise, at this time, to delay actual construction of this Biomedical Communications Center—but we must not wait to plan, and prepare for that day we turn the first dirt. This modest amount will allow planning to continue, and it is sorely needed.

Now we come to the real important item moneywise. The Office of Education contains the bulk of our increases over the current proposals of the President—some $480 million—and for elementary and secondary education, the net increase is $177,975,000.

The bulk of our increases here over the current proposals—again, the February 2 proposal of the President—is some $480 million. And for elementary and secondary school education the net increase is the $177 million I mentioned. A lot of this total came to us as a result of a House vote on the floor of the House.

First, for educationally deprived children—title I of ESEA—an increase of $145.9 million is proposed.

This is the same as the increase proposed in our previous bill. It would mean $18.48 for each of the estimated 7.5 million children served by this program.

And this increase would bring the to-

tal for each child served by the title I program to $176.83.

Both bodies increase the bilingual education funds. We have recommended $25 million for these projects in bilingual education for children who have limited English-speaking ability.

I was utterly amazed at the number of schoolchildren who were in that category. It is hard to realize how many are involved, Spanish-speaking and others. $25 million is the same level previously adopted by the Senate. It is $15 million over the current requests—again, the last report from the President that he would accept—and this would support the 76 existing projects and help to initiate about 90 new projects.

A lot of this is to train teachers to handle the youngsters who have this problem. It is a bilingual program. It goes back to what our educators and all of us have been talking about for a long time—the lack of reading ability of youngsters in school today.

With this program, local education agencies will be better able to serve approximately 5 million children who have a non-English mother tongue.

This is what surprises me. The figure is conservative. There are 5 million children who have a non-English mother tongue. It is amazing.

This is a modest amount, even though the 2-percent figure is cut a little bit. This is only $15 million over the last offer. I do not know whether the President would cut this or not. But I am hopeful that he will not if the so-called 2-percent provision in the Cotton amendment remains in the bill.

There are 5 million children who have a non-English mother tongue.

Before I go into the original budget provision, I point out that I do not understand how they arrived at this conclusion. But, the original budget from the revised budget from the President and the 1969 budget was not too accurate. For library resources, they came up with zero.

The lack of library resources in elementary schools, junior high schools, and secondary schools is critical. All statistics show that this is one of the most important programs we have.

Library resources, of course, would be maintained at the 1969 level of funding of $50 million. I think that amount is inadequate but it would be eliminated again by the current proposals of the administration, and I am referring to the February 2 proposal of the administration.

This program, even now with this small amount, serves over 40 million children and it helps local educational agencies purchase books and other library materials.

There is $17 million for guidance and counseling. That is the same as the amount approved by the House. These funds will help meet the need for career and academic guidance counselors, and people who assist in this field. This is an excellent matching grant that has proven highly successful.

Also in elementary-secondary, the administration requested two increases. I compliment them for that. Here we are getting at priorities again. I do not know why we cannot afford this amount for all these worthy programs. But they did request $10 million for dropout prevention and $40 million more for supplementary educational centers.

The House funded supplementary educational centers at $116 million, the same as the April request, but would not increase dropout prevention above last year's $5 million level—which will continue the current projects but not commence new ones. We reluctantly agreed to that.

In instructional equipment we are talking about $43 million. We have separated out the matching program for instructional equipment, to give this greater visibility and show our concern that these funds be actually expended for the purposes for which appropriated.

In the previous bill we provided a total of $78 million, with $30 million for minor repairs and remodeling, which has been eliminated from this appropriation. We reduced this equipment account by $5 million.

Therefore, all of the $43,740,000 will go for matching grants to meet the new equipment needs of schools and classrooms.

Technology today offers limitless opportunities for improvement in classroom instruction. This involves the almost unbelievable wise use of closed circuit television in schools and language laboratories, the use of various media for individualized instruction, and things of that nature that are now found to be useful in modern schools. Unfortunately, the initial acquisition of such equipment can be prohibitively expensive for too many schools, especially those which could benefit most from this form of assistance.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I would like to commend the Senator, and I am glad to hear his statement about instructional equipment. I never have been able to understand why we keep decreasing that program and increasing similar programs under title I of the Elementary and Secondary Education Act where there are no matching funds; and the Federal Government pays all of the cost. This program is valued so much in schools. The last Johnson budget cut out this item entirely, and the last Nixon budget cut out this item entirely. We have been able to keep $78 million. The House and the Senate got in the $43,743,000, and if the Cotton amendment is adopted, it will mean that amount will be increased by $6.5 million, which leaves $37 million.

Mr. MAGNUSON. The amount would still be $37 million.

The Senator and I know they snatch up these grants, and, Mr. President, I agree with the Senator wholeheartedly that they scrounge around in the poor school districts to get one dollar's worth for a dollar spent when they have 50 percent of their own money involved.

Mr. President, now we come to probably the most controversial and largest item we are talking about here moneywise, impacted aid, Public Law 874. I want to say at the outset that I hope the administration does pursue this matter with us. We have to take a good long look at the formula that now exists for impacted aid. I think it should be changed but until that is done by legislation, and as long as the school districts rely upon it and set their budgets by it, we have to adjust our budget to it. We have to continue to take care of our responsibility in seeing that the impacted aid money is available.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. Mr. President, on the subject the Senator was discussing, many of us have made these statements about the formula for impacted aid for many years. But I know the Senator will agree with me that there is nothing the Committee on Appropriations can do about that formula. We need to do it in a rather circuitous route by way of limitation, which I do not think is the proper way to do it. The proper legislative committee will have to get at this problem and hold hearings so that the facts can be brought out and a decision made as to what the future of this program is going to be.

Mr. MAGNUSON. Because it surely is needed in cases where literally there is an impacted area.

Mr. ALLOTT. I agree wholeheartedly with the Senator.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SPONG. Mr. President, I want to say to the Senator from Washington that I agree heartily that Congress has to make its mind up about the future of the impacted aid program. We go through this exercise every year.

Mr. MAGNUSON. Yes.

Mr. SPONG. In addition to that, there is another fact. If we are to continue this program, as well as other educational programs, we have to give more credence to advanced funding than we have because these school divisions are not able to plan properly for the future or know what they can do with funds available if they have no idea how much they are going to receive or when they are going to receive it.

Mr. MAGNUSON. And whether or not the formula might be changed for them.

Mr. SPONG. That is correct.

Mr. MAGNUSON. Mr. President, with all due respect to the Governors of our States—I have been here and had some meetings with them—many of the State officials from Governors on down consider impacted aid, I say to my friend from Virginia, as a payment by the Federal Government in lieu of taxes; and therefore, that we should continue even under a broader formula because they get the money free and clear of any restraint. They consider it a payment back to the States for school districts in lieu of taxes.

That is not the way to do it. Someone might come up here and lobby while the Governors are here about working out some sharing of revenues. I think we should meet that issue head on. It should not come through in this way, in an appropriations bill, but here it is.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will yield in just a minute. I want to say to Senators that I am a little embarrassed about impacted aid because I am the one who started it. I did not think it would run into what it did, when it became permanent in the Korean war. We started a well-known dam in our area called Grand Coulee. It was built in a place where they could not have raised $10 because all there was in that area was sagebrush and Indians. All of a sudden 6,000 or 7,000 workers showed up with a lot of youngsters. So we started a program to have the Federal Government help the school districts, but I did not think it would be permanent. It was made permanent in the Korean war, I believe.

Mr. SPONG. I do not think the Senator from Washington need apologize for the impacted aid program. Many places in Virginia and throughout the Nation need it and have benefited from it; but we have to stop going through this exercise every year on the Senate floor about impacted aid and make up our minds about it.

Mr. MAGNUSON. I yield now to the Senator from New Hampshire.

Mr. COTTON. Mr. President, after the Senator completes his remarks, I hope, in a brief statement that will not take more that 10 minutes, to make a rather important announcement on behalf of the administration and HEW that I am authorized to make.

Mr. MAGNUSON. Very well.

Mr. COTTON. In view of the fact that impacted aid is being discussed right now and there are a number of Senators here, I will anticipate it to this extent. I shall state that I am authorized not only by HEW but by the White House to indicate that if the Cotton amendment is adopted, not one cent will be taken from the impacted aid appropriated in this bill.

Mr. MAGNUSON. I understand that that is the word we get. I do not get any such word. Nobody talks to the chairman of the committee about this bill.

Mr. COTTON. The Senator from Washington did not go down there and ask for it.

Mr. MAGNUSON. Yes; I spent the early part of the evening with the gentleman the Senator from New Hampshire talked with. But nobody talks with the chairman about it. It is all right, but it is my responsibility and our responsibility. The Senator from New Hampshire has done a yeoman job in trying to ferret out some of these things, and I appreciate it.

To show the confusion in the impacted aid program, the President, in the original budget he sent to Congress, provided for $202 million, which was a great deal under the 1969 amount. Then the House made it $600 million. When the bill came to the Senate, we added $60 million on the floor. So when we went to conference, it became $660 million as against $600 million, compared with the amount of $202 million sent up by the Budget. That item and the item for Hill-Burton construction comprised the bulk of the increase for HEW.

Then when we got to conference, the Senator from New Hampsire and I, to get the bill moving, agreed to the House figure of $600 million. Then the President, in his veto message, said it was much too high; but, he said, "In order to satisfy you people up there and the Members of the House and everybody else who thinks this is such an important program, I will agree to $440 million."

The House committee thought that was not too bad. They did not like it, but the President said he would veto it if it was any more.

Now he has proposed an increase of $238 million. I do not know why. They did not have more hearings in the Budget. I guess they decided it was the better part of discretion in dealing with the Congress in this matter.

Then when the bill came to the floor of the House, that did not satisfy the House Members. They added $80 million.

I suppose the President said—I get this only in a roundabout way—that if he had blanket authority to cut, he would have cut the $80 million, as I understand it.

Now with the 2-percent provision, I do not know what that would amount to; but the Senator from New Hampshire has informed the Senate that if the bill gets to the White House, even if the 2-percent provision is in there, the President will not touch impacted aid.

That is the long, tortuous history of impacted aid.

We have been dealing with some pretty big figures. When it is said that someone is against the bill because it is inflationary and then starts dealing with these figures, I do not think inflation becomes much of a part of it.

Mr. EAGLETON. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I yield.

Mr. EAGLETON. Will the Senator refresh my recollection? Was not impacted aid singled out by the President as being one of the most compelling reasons for his highly publicized veto of the HEW bill?

Mr. MAGNUSON. Yes. He was inclined to suggest that if there was any place where anything could be done, it would be in impacted aid.

Mr. COTTON. Mr. President, if the Senator will yield, I want to see the rules changed by legislation, but I have said I wanted to keep our impacted aid until we could change the rules, because it is the only money that goes into the school districts of this country without strings attached to it.

Mr. MAGNUSON. I did not mean the money, but the theory of it, the way the formula is working out.

Mr. EAGLETON. Did not the President, in his televised veto message, go so far as to point out the gross excesses in the impacted aid program, specifically pointing to "the richest county in the United States"—Montgomery County, Md.—where so many Federal employees live, including Members of the Senate, including myself, and where public schools receive $6 million in impacted aid because of the residence of so many Federal employees? Did not the President mention that in his televised message?

Mr. MAGNUSON. This is what the President said:

> Nearly $400 million of the HEW increase would be for grants to schools in federally-impacted areas. In 1968, this program paid $5.8 million to the Nation's richest county (which had a population of 500,000) and a total of $3.2 million to the 100 poorest counties (with a combined population of over 3 million).

Mr. EAGLETON. Do I correctly understand that under the Cotton amendment the President could cut, if he so desired, as much as 15 percent of the total impacted-aid figure of $520 million?

Mr. MAGNUSON. Yes; it is possible that he could cut $78 million.

Mr. EAGLETON. From the impacted-aid program?

Mr. MAGNUSON. Yes.

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Of course it is possible.

Mr. MAGNUSON. That is the question the Senator from Missouri asked me.

Mr. COTTON. I simply wanted to say, and make it clear, that I have not said that the President would sign the bill; I do not know. I am not authorized to say that he will sign the bill. All I am authorized to say is that if this amendment is adopted, and if he exercises his discretion—his "2 percent discretion" subject to the 15-percent limitation, we have his assurance that he will not touch the impacted aid program, because he realizes, I suppose, how much it means to us who represent our constituents here. I think Senators can rely on the President's word.

Mr. EAGLETON. I should like to inquire a bit further of the Senator from Washington.

Bearing in mind what has been announced by the Senator from New Hampshire, I am having difficulty following the consistency or the logic of the President's rationale. Perhaps the Senator from Washington can help me through this maze.

Mr. MAGNUSON. Oh, I do not think I can.

Mr. EAGLETON. I wish the Senator would try to give me some help. The President's original impacted aid recommendation was $202 million. Is that correct?

Mr. MAGNUSON. Originally, it was $202 million-plus.

Mr. EAGLETON. $202,167,000?

Mr. MAGNUSON. Yes.

Mr. EAGLETON. Later, as the controversy developed, the President finally decided that $440 million could be justified or tolerated for impacted aid?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. In point of time, did that figure of $440 million emerge before or after the President's television address to the Nation?

Mr. MAGNUSON. After it, I think.

Mr. EAGLETON. I think the Senator from Washington is correct; it came after the television address to the Nation.

Now, as I understand, the final figure is $520 million.

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. A difference, roughly, of $80 million?

Mr. MAGNUSON. Yes.

Mr. EAGLETON. So if we apply the 15-percent Cotton formula—the maximum 15 percent—the President could, if he so desired, cut the present $520 million figure back to the preceding figure of $440 million?

Mr. MAGNUSON. He could cut back $78 million; that is possible.

But now we hear today from the Senator from New Hampshire that the President now——

Is not going to do it all.

Mr. EAGLETON. We now hear from the Senator from New Hampshire that the President will not touch this item one penny?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. This item of impacted aid at a level of $520 million has now become sacred. Can the Senator from Washington explain to me how an item that was purported to be the single most controversial item calling in January for a veto of this bill, and the item that was pointed out on national television with particular reference to "the richest county in the United States," Montgomery County, Md., in the month of January, has now, in late February, become sacred and untouchable? How has the sinister evil of January become the sacred cow of February? Does the Senator have any explanation for that?

Mr. MAGNUSON. I do not.

Mr. COTTON. Mr. President, if the Senator will yield, it has not become untouchable, because I would like to remind the Senator that the President may veto the whole thing, and that would certainly affect the impacted area funds.

As a practical matter, let me say that I think the President has been consistent throughout. He wanted the A funds, which go to those living on reservations, to be kept intact. He wanted to take away or reduce substantially the B funds, involving areas where the people either buy homes or rent homes and pay taxes in the various communities.

I doubt if there is a Member of the House of Representatives or the Senate who does not recognize that impacted area funds are being administered under an outmoded formula, and that the formula should be improved; and it is no crime for the President of the United States to have the same feeling.

But we have the practical proposition that the Cotton amendment constitutes an overall reduction of $347 million; and if, in response to some of our solicitations, the President has seen fit to say that if he applies the cut, he will not apply it to this fund that is so essential to Congress, I think it is perfectly apparent that it would be out of respect and deference to the Members of Congress. And let me add, he has not even said he will sign the bill. I hope that, with my amendment, he will.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief further observation?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. I think the Senator from New Hampshire has put the matter in perspective very well. There are two branches of Government involved in the law-making process, the legislative branch and the executive branch. I do not think that the President ought to be criticized because he is not inflexible. I do not think he likes the formula of the impacted aid program any better today than he did when he delivered his veto message. I think he is still critical of the fact that twice as much money goes into the Montgomery County area, the wealthiest county of the United States, as goes into the 100 poorest counties of the United States.

At the same time, I think he is trying to be realistic, and trying to recognize that legislation is a process of compromise, and he is trying to accommodate the fact that there are a good many in the Senate and in the House of Representatives who do not agree with him. He has gone a long way here, it seems to me, in trying to reach a middle ground.

So I think, if anything, that the legislative branch ought to commend him for that, rather than be critical.

Mr. EAGLETON. Mr. President, will the Senator yield briefly?

Mr. MAGNUSON. I yield.

Mr. EAGLETON. I beg to disagree with the Senator from Michigan and the Senator from New Hampshire. The Senator from New Hampshire said that the President had been "completely consistent" on this question of impacted aid. With all due respect to both the President of the United States and the Senator from New Hampshire, I think the President has been completely inconsistent on the question of impacted aid.

The President cannot get away from the figures as we have them before us. In his budget recommendation, he recommended $202 million for impacted aid.

Just a few weeks ago, in the art of "compromise," to use the word of the Senator from Michigan, the President presumably thought the figure ought to be $400 million. Presumably, in the happy effort to get along with everybody, he could suffer another $238 million increment in impacted aid, after telling the Nation that impacted aid was one of the most persuasive reason for his vetoing the bill originally.

Now, a few weeks later, the figure the President will agree to is $520 million. I think the recitation of these figures—first $202 million, next $440 million, now $520 million proves the gross inconsistency of the President's position. If the Senate is to adopt the Cotton formula—which I hope it will not—I cannot understand how the President of the United States could tell the Senator from New Hampshire that he would not touch this program one iota. Under the Cotton 15-percent formula, the President could cut the impacted aid program by $78 million.

Yet now this is a program which the President will not touch. He will not try to get anywhere close to the $440 million he thought was satisfactory a couple of weeks ago; and apparently he has long since forgotten about his original budget recommendation of $202 million.

To me this case history which I have just recited is anything but consistent. I say it is horrendously inconsistent.

Finally, let me make it clear that I do not view impacted aid as the evil which President Nixon and Secretary Finch seem on occasion to view it. Personally, despite some objectionable features, I believe it definitely does more good than ill.

I do object—and strenuously so—to the horrendously inconsistent way in which impacted aid has been used by the Nixon administration as a whipping boy on one occasion and later as a bargaining pawn.

Mr. COTTON. Mr. President, will the Senator from Washington yield me 1 minute?

Mr. MAGNUSON. I yield.

Mr. COTTON. I would like to say to my friend from Missouri, for whom I have formed a high regard since his coming to the Senate, that I sincerely hope, as times goes on, after he has spent here the years that some of the rest of us have, he will be able to go through his distinguished career in the Senate without compromising, and without swallowing anything that he does not want to swallow; that he will never have the majority leader of the other party come in and say, "Can't you yield a little bit on this, in the interests of our program," and that he will be able to defy everyone and show his complete independence.

But knowing him, and knowing that he is a practical and able young man, I predict that eventually he will find, as he says here, that he, too, will not be above compromise.

If the President of the United States is willing, in deference to the urging of some of us in the legislative branch, to forego what he sincerely believes—and I think anyone who studies the matter, however badly he wants the impacted area funds, knows a new formula is needed—if that be treason, make the most of it.

As for the Cotton amendment, which the Senator has expressed the hope will not be adopted, the longer we hold up this bill and the appropriations for all the humanitarian things in this bill, the nearer we come to the end of this fiscal year—and there are only 4 months left—the more disservice we render to our constituents and to the people of this country. My amendment is simply offered in the hope that we dispose of this bill, get it signed, and get the money to work before the year has gone by, for the causes in this bill.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, I will be glad to yield, but I should like to complete my statement.

I hope the Senator will not take literally the Senator from New Hampshire's advice, because I have found that the longer I have been here, the less I want to compromise.

Mr. EAGLETON. I commend the Senator from Washington.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, I find that the compromise takes care of itself as you stick to your guns, but there are times when you have to do this to get going.

I want to refer to something that the Senator from New Hampshire brought out, and I thoroughly agree with him about the bill and the timing. But little is said about the fact that up to now all these programs are going at the same level as last year. As a matter of fact, with respect to many of them, there was much more money in last year's program than there will be in this one, even after the compromises.

The suggestion I have heard many

times coming out of statements from the administration that "well, there are only 4 or 5 months left and we couldn't spend this whole amount, anyway," is misleading.

As a matter of fact, if you appropriate $1 million and you spend $750,000 under a continuing resolution, no one in the world will suggest that you spend more than $250,000.

This program, whenever the bill is passed, is for the rest of the year, divided by the number of days. Nobody suggests that the whole amount of impacted aid, let us say, should be spent in the next 3 months. That is a misleading statement, and it has been done many times. I have been in Congress during the administrations of six Presidents, and sometimes bills are late.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I should like to finish my statement.

They deduct what they spend under the continuing resolution from the appropriation they get for that fiscal year. That is common practice. I just want to get that clear.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. The implication of the Senator's statement is that some of us who are on the floor have been making such statements.

Mr. MAGNUSON. No.

Mr. ALLOTT. I do not like those statements. I have never made any. I have never heard the distinguished Senator from New Hampshire make such a statement.

Mr. MAGNUSON. The Senator misunderstood. I said statements from the administration, and I will be specific—from the Budget Bureau. I started out, if the Senator listened——

Mr. ALLOTT. I listened to the Senator.

Mr. MAGNUSON. I never said "we" or "us" at all. I said "statements by the administration." To be very specific, I will say the Bureau of the Budget.

Mr. ALLOTT. I have never heard them make such statements.

Mr. MAGNUSON. The Senator has not?

Mr. ALLOTT. No.

Mr. MAGNUSON. I can get the Senator about five or six a week, if he wants me to go back—on that phase. They say:

> We don't need x number of dollars, because the year has gone by so long, it's too short a time to spend it.

Mr. ALLOTT. It has, but I have never heard anyone in the Bureau of the Budget contend that we were going to try to spend the amount in this bill between now and June 30.

Mr. MAGNUSON. I will go higher than the Bureau of the Budget—the President's statement. I have it here—we put it in the report, too—No. 4, quoting the President:

> Because of the lateness in the fiscal year, increases of this magnitude cannot be used effectively in many cases.

Mr. ALLOTT. That is correct, but that does not say what the Senator just said, that there is an implication that we are going to spend the entire amount between now and June 30.

Mr. MAGNUSON. No. They say the reverse. They say that they do not want to spend the entire amount because of the lateness in the year. They think it is too much to spend for these months. They say just the reverse.

Mr. ALLOTT. A prorated amount.

Mr. MAGNUSON. It is somewhat misleading. In other words, the implication is that whatever is appropriated here they would have to spend during this fiscal year. They deduct from what they had spent.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. This is a bigger bill than the 1969 bill. There are more items that are increased over 1968.

Mr. MAGNUSON. Yes.

Mr. COTTON. And in all those items that are increased, the difference between the 1969 amount and the amount in this bill is growing. The people who would enjoy the benefit of this are losing that difference each month that goes by. Is that not correct?

Mr. MAGNUSON. I think the total is a relatively small amount over the 1969 total. In some cases, the Senator from New Hampshire will recall they were under 1969 and some were over. I will get the totals. Anyway, we are talking about their spending one-twelfth.

Mr. COTTON. If it had not been that we cut out the prefunding for 1971 by $1,226 million—if that is put back, the Senator will find that all the rest of the bill is well over 1969.

Mr. MAGNUSON. I will get the figures.

Mr. FONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FONG. I believe the distinguished Senator said that nobody has been hurt by a continuing resolution. Is that correct?

Mr. MAGNUSON. No. I meant that the money keeps coming—one-twelfth of what was appropriated last year. The problem with this is the uncertainty of the thing, not the money.

Mr. FONG. I think it is more than that. I have received figures from the Department of Health, Education, and Welfare that if we continue on a continuing resolution, we will be working on a figure $550 million less than the figure as propounded by the distinguished Senator from New Hampshire. That is, if we do not adopt the amendment of the distinguished Senator from New Hampshire and do not pass this bill, we will be working under the continuing resolution, which will be $550 million less—in other words over half a billion dollars less—than was propounded by the Senator from New Hampshire. From that standpoint, we will be doing a great disservice to health programs and to educational programs.

Mr. MAGNUSON. No one wants to get this bill through faster than the Senator from Washington.

Mr. FONG. I understand that the Senator from Washington wants to get the bill through.

Mr. MAGNUSON. Many people have the impression that when you appropriate any time after July 1, the amount of money for that fiscal year has to be spent from the time you appropriate it. I do not recall any year in which we have not had continuing resolutions in this body, for a long time. Sometimes they go 2 or 3 months. But they deduct what they spend.

Mr. FONG. Not as much as this bill has gone.

Mr. MAGNUSON. The Senator was not then a Member of the Senate. I have been back here twice between Christmas and New Year's on appropriation bills—big ones.

Mr. FONG. But not to pass a bill 4 months before the fiscal year will expire.

Mr. MAGNUSON. That is because of the veto. We never had an appropriation bill vetoed before, either.

Mr. FONG. We never had a situation such as this, in which we are trying to pass a bill 4 months before the fiscal year will expire.

Mr. MAGNUSON. That is because of the veto. Many times we have enacted appropriations in November and December. I will give the Senator a list.

Mr. FONG. Not as late as this bill.

Mr. MAGNUSON. Why is this bill late? Because of the veto.

Mr. FONG. No; because we sent it to the President very late.

Mr. MAGNUSON. We have sent all kinds of bills to many Presidents late.

Mr. FONG. And he had to veto it. If he vetoes this bill, we probably will not have a bill when the year is up, and then we will be working on a continuing resolution and will be doing a great disservice to the people under the health and education programs.

Mr. MAGNUSON. I do not disagree with the Senator on that.

I was trying to point out that the expenditure of money, whenever you appropriate it, if you appropriate it on August 1, or December 1, or January 1, or February 28, was under continuing resolutions which were deducted from the amount finally appropriated for that fiscal year.

Mr. FONG. That is very true.

Mr. MAGNUSON. That is all I am trying to say.

Mr. President, I ask unanimous consent to have printed in the RECORD, to show the reason for the delay, and because the Senator from Hawaii brings out that there are many problems where the money is not obligated and it might be anticipated will be in the bill regardless of the veto, although we are not talking about the greater part of the bill, only the 3 percent, not the 97 percent which is anticipated, a table on what was obligated up to December 31, under which the Department is obligated, even though the appropriation has been there and the obligations are short of what they could have obligated. For instance, here is air pollution, $66 million. They have obligated only $10 million so there is $56 million they could have gone ahead with.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—1970 LABOR-HEW APPROPRIATION BILL SELECTED ITEMS OF INCREASE

[Dollars in thousands]

Agency/Appropriation/Activity	Fiscal year 1970 Revised budget	Fiscal year 1970 Conference agreement	Fiscal year 1970 Obligations as of December 31, 1969
FOOD AND DRUG ADMINISTRATION			
FDA control: Regulatory compliance	$29,674	$29,992	$14,287
ENVIRONMENTAL HEALTH SERVICE			
Air pollution control: Research development and demonstrations	52,328	66,428	10,389
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION			
Mental Health:			
Construction of community mental health centers [1]	29,200	35,500	----
Alcoholism community assistance	----	4,000	----
Comprehensive health planning and services: [1] Formula grants to States (314d)	90,000	100,000	29,375
Hill-Burton hospital construction grants [1]	150,000	254,400	14,775
District of Columbia medical facilities	----	10,000	----
Maternal and child health:			
Dental health of children	----	200	----
Training	9,000	11,200	5,862
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	180,725	190,362	67,419
National Heart Institute	160,513	171,256	55,874
National Institute of Dental Research	29,289	30,644	9,543
National Institute of Arthritis and Metabolic Diseases	137,668	146,334	53,569
National Institute of Neurological Diseases and Stroke	101,256	106,978	40,213
National Institute of Allergy and Infectious Diseases	102,389	103,694	39,686
National Institute of General Medical Sciences	154,288	164,644	60,396
National Institute of Child Health and Human Development	75,852	76,949	24,029
National Eye Institute	23,685	24,342	8,824
General research and services	69,698	76,658	44,365
Health manpower:			
Institutional support:			
Medical, dental, and related	101,400	105,000	----
Nursing	7,000	8,400	1,646
Public health	9,471	10,071	5,289
Allied health professions	10,988	11,587	143
Student loans:			
Medical, dental, and related	15,000	23,781	15,000
Nursing	9,610	16,360	9,610
Dental health:			
Grants	5,845	6,739	569
Construction of health, educational, research, and library facilities:			
Medical, dental, and related	$118,100	$133,100	$8,137
Nursing	8,000	10,000	3,502
Medical library construction	----	950	----
Health research facilities	----	5,000	----
NIH direct construction	1,000	1,900	----
OFFICE OF EDUCATION			
Elementary and secondary education:			
Educationally deprived children [1]	[2] 1,226,000	[2] 1,396,975	1,001,506
Bilingual education	10,000	25,000	----
Supplementary educational centers [1]	116,393	164,876	58,071
Library resources [1]	----	50,000	[3] 1,760
Guidance, counseling, and testing [1]	----	17,000	[3] 2,357
Equipment and minor remodeling [1]	----	78,740	[3] 1,000
School assistance in federally affected areas: Maintenance and operation [1]	187,000	585,000	72,722
Education professions development:			
Grants to States [1]	15,000	18,250	3,820
Training programs	80,000	88,750	1,619
Recruitment and information	----	500	----
Higher education:			
Construction, undergraduate facilities [1]	----	33,000	----
Student aid, direct loans [1]	161,900	229,000	155,922
Vocational educations:			
Basic grants [1]	234,216	354,716	116,586
Consumer and homemaking education [1]	15,000	20,000	7,574
Work-study [1]	----	10,000	----
Programs for students with special needs [1]	----	40,000	----
Research [1]	----	34,000	----
Libraries and community services:			
Library services [1]	23,209	40,709	7,778
Construction of public libraries [1]	----	9,185	----
College library resources	12,500	20,834	----
Acquisition and cataloging by Library of Congress	4,500	6,737	4,500
Librarian training	4,000	6,833	----
Educational broadcasting facilities	4,000	5,083	1,081
Education for the handicapped [1]	85,850	100,000	20,071
SOCIAL AND REHABILITATION SERVICE			
Rehabilitation facilities	----	3,500	----
Mental retardation: Construction of community service facilities	8,031	12,031	----
GALLAUDET COLLEGE			
Salaries and expenses	4,257	4,332	2,053
Construction	867	1,106	74

[1] Denotes so-called mandatory formula grant program.

[2] Includes $1,010,814,300 appropriated in the 1969 bill.

[3] State administration only.

Mr. PELL. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. PELL. As the Senator knows, we passed the other day an authorization bill of a very substantial nature for education——

Mr. MAGNUSON. I believe it was $35.5 billion.

Mr. PELL. As the Senator will recall, he warned us all, most properly, that the full amount would not be appropriated, although he personally wished that it could be. But the original size of the authorization was a pretty good indication of the will of the Senate and the will of the American people, not only in the size of the amount, but also by the fact that the vote was unanimous in favor of it, 85 or 80—whatever it was—to zero.

Thus, I would hope that the amendment of the Senator from New Hampshire would be rejected.

There is a much broader issue here. This I would ask of the Senator from Washington—who has been here longer than I have—if I am correct in saying that since World War II, my understanding is that only twice has the Senate or Congress seen fit to give the President what amounted, really, to an item veto, something we have always been most reluctant to do. Once was in 1951, when Harry Truman got the authority to strike $550 million, and the second time was in 1968 when this authority was given to President Johnson.

I think that in both those cases the stage was set for a poor precedent. I would hope that not only would we realize that this amendment is ill advised in its specifics—it is not a great amount, 2 percent—but even more ill advised by opening the door to what could become a precedent, the prospect that more and more we are going to abrogate our responsibilities and turn them over to the President, that we will increasingly let him bell the cat because we are not willing to do so.

I would hope that when we vote on this question, we would consider the precedent problem as well as assume our responsibility on the question of the money itself.

Mr. GRIFFIN. Mr. President, in view of the earlier reference to the President's position with respect to the impacted aid program, I want to complete the RECORD here by calling attention to the fact that on yesterday the President sent a message to Congress calling for the reduction, termination, and restructuring of 57 programs which are now obsolete.

No. 1—there is a list of recommendations—was reform of the impacted aid program. I ask unanimous consent to have printed in the RECORD at this point that part of his message of yesterday which relates to that subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70% of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is

small. As it reduces payments to the wealthier districts, it will reallocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.

Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

Mr. MAGNUSON. Mr. President, I am glad the Senator did that because I was, further on, going to mention it. We hope that we can all join and see what we can do with this matter.

The program was never designed to equalize the rich or help the poor. It was not designed to help the school, either the small school, or the rural or city areas, but it was designed and depended upon where the particular children happened to be.

Mr. GRIFFIN. I am glad the Senator recognizes that. I hope that we can get together and support the President's reform legislation in this area.

Mr. MAGNUSON. I have advocated that for a long time.

IMPACT AID—PUBLIC LAW 874, $80,400,000

No educational aid program has suffered more abuse than the impacted areas aid program.

Last year, on a comparable basis, the funding was $521 million; in April, the President recommended $202 million; our previous conference bill contained $600 million; the current appropriation request is $440 million; and we are recommending $520,567,000—about $700 thousand less than last year—the same as the House recommendation.

This amount will provide local school districts 100 percent funding for section 6, children—such as Indian children—90 percent for the class "A" children—those who live on a Federal reservation, military installation, and go to a local school—this is the same level of support as last year, and approximately 72 percent for the class "B" children—those whose parents work on a Federal reservation or for the Government.

The President has been highly critical of this progrem—but we cannot go back on our word to thousands of school districts that are depending upon these funds.

This program was never designed to equalize the rich or help the poor—it is not for small schools or rural areas or the cities— it all depends upon where the particular children happen to be. It is a financial assist to local education agencies where an influx of schoolchildren is caused by some Federal activity—to many, this is an in lieu of taxes payment.

EDUCATION PROFESSIONS DEVELOPMENT, $3,750,000

Another grants-to-States program, this additional $3.7 million will enable the States to step up their recruitment and training programs for elementary and secondary teachers and teachers aides.

These funds will allow such training for an additional 1,517 teachers and 1,437 teacher aides, in some 90 projects.

These funds are allotted on the basis of public and private school enrollments and help to support the efforts of local communities which experience critical teacher shortages to attract persons into teaching and provide them through in-service training programs with the qualifications necessary for a successful career in teaching.

HIGHER EDUCATION, $100,100,000

An additional $67.1 million has been provided for the NDEA direct student loan program.

Last year, the average loan was $600 and some 442,000 individual students received such loans. Under the administration proposal, less than 398,000 students could receive loans.

With this additional funding this program will be able to assist an additional 115,000 students—a total of over 513,000 or 71,000 more than last year.

It is claimed, by some, that the guaranteed loan program is helping a greater number of students, but the evidence is meager and it is especially evident that increasing costs of education are hitting middle-income families. Compared to the needs for this program, expressed by the requests of colleges, universities, and vocational institutes this increase is very modest.

Our recommendation provides $33 million for construction grants to 4-year undergraduate facilities. This is a matching program and would finance the Federal share of 85 projects—at an average of $388,000 per grant.

Construction of vitally needed facilities has been on dead center for too long. The administration holds forth the "hope" to such institutions of the much-heralded interest subsidy program for construction—yet, I am informed the Department has yet to issue guidelines for this program—let alone authorize a single new start, that program was authorized in 1968—funded last spring, and the administration has failed to move one brick or one shovel of dirt.

VOCATIONAL EDUCATION, $44,500,000

Vocational education is another area too long neglected. Vocational education, to my mind, is one of the most important parts of the whole bill, one of the most needed, and one of the most neglected.

In 1968 Congress added amendments to the Vocational Education Act. I think they were long overdue. It is high time we fund these programs adequately.

Of this increase in vocational education, $20 million would be for students with special needs. These are for children who have academic, socioeconomic, or other handicaps that prevent them from succeeding in regular vocational education programs.

This program will zero in on those areas of high youth unemployment and school dropouts and would allow the local districts to move in immediately with programs for these young people in urban as well as rural areas.

In this field, we are talking about $44 million. But the President's alternative budget was $347 million. The recommendations of the committee was $391 million.

To get back to the original budget, we would have to cut $44 million. It is possible, under the 15 percent proposal, that the President could cut $58 million out of this program.

The administration allowed nothing for vocational education research—our recommendation is $17 million, just half of our previous bill. These funds will allow the States to do special research in vocational education, including experimental, developmental, or pilot-projects, and the dissemination of information derived from these projects. The administration requested funds for educational research and experimentation—demonstration schools. These funds for vocational education can prove the most valuable investment we could make.

Work study in vocational education is another program that the administration did not fund—we recommend $5 million—and this allowance will support approximately 25,000 students in work-study programs of vocational education. This is, again, a most valuable investment in our youth.

We come now to a somewhat new program, but very important.

Consumer and homemaking education is the final program within vocational education for which we have provided an increase, and we have recommended $2.5 million.

This will support the training of at least 48,000 additional persons—and this program provides intensified consumer and nutrition education.

The Senator from Alabama (Mr. SPARKMAN) submitted eloquent testimony for this program to our committee. As he pointed out:

> Money spent to strengthen an institution so basic and so vital to our society as the home, will be returned to us manyfold in the form of reduced welfare programs, reduced spending for penal programs, reduced waste resulting from crime and disorder, to say nothing of the savings brought about through intelligent and trained consumer spending.

The administration had requested an additional $1,120,000 for curriculum development—over the $880,000 allowed by the House—but such activity in developing special instructional materials can be achieved under the research programs where we allowed $17 million, in other words, we would fold this program into the other program.

We now get back to libraries proper and community services, not necessarily a school research program.

Within these programs, only construction of public libraries was totally ignored by the administration—and we have provided $9,185,000.

We are talking about $31,172,000. The President's alternative budget was $117 million. The committee recommendation was $148 million. And it is possible that under the so-called Cotton-Cooper amendment, that there will be a cut of $22 million from that. But the whole program we are dealing with is $31 million, because they have to add a little to that due to the fact that some of the programs are apparently not going to be cut 2 percent.

This will support approximately 93 library construction projects, on a match-

ing basis with communities across the Nation.

Along with the grants for public libraries, which we have increased by $7.5 million these two programs will bring new or expanded services to 85 million people, involve some 904 libraries in cooperative ventures to serve 8.6 million people, and will provide special services to $370,000 handicapped persons and patients and inmates in State institutions. This would also include braille for the blind. Part of the library funds would be for braille for the blind.

We recommend increasing the college library resources program by $8.3 million. In 1968 institutions of higher education benefited from 2,111 basic grants under this program, which required matching; and 1,524 supplemental grants and 60 special purpose grants. Approximately 50 to 70 new colleges will open during the year and need instant libraries.

These additional funds will support 104 special purpose grants at an average of $80,000—again, these awards require matching by the local college, $1 for $3.

Librarian training would receive an additional $2,833,000. If schools, colleges, and public libraries are to be adequately staffed with competent librarians, this special training program must be supported. The recommended level of funding is only about 80 percent of last year's support.

The $2,237,000 addition for the acquisition and cataloging program of the Library of Congress will just enable the Library to maintain the same personnel and work level as in fiscal 1969.

This little program gets lost in the shuffle, but it is saving millions of dollars at participating institutions all over our Nation.

We heard reams of testimony to that effect. This program was developed because research libraries in the United States could not get cataloging data for a considerable portion of the foreign publications they require. With the centralized cataloging program of the Library of Congress, these institutions purchase a copy of their cards.

A library pays about $5.50 more per book to catalog that book independently than to use the Library of Congress cataloging copy.

The economies effected by this program are a great many times more than this appropriation which we recommend. And the resources of such participating libraries are being made available to students and scholars with much greater dispatch, or in many instances for the very first time.

Our final increase in these programs is $1,083,000 for educational broadcasting facilities. This will support four additional educational television grants—for a total of 18—and one more radio grant—for a total of nine. These grants will expand and improve existing stations, as well as to start new ones.

There is a possibility of expanding and improving additional stations.

With respect to education for the handicapped, we are talking about $8,150,000. There, the alternative request by the President on February 2 is not sufficient—$91,850,000.

The committee recommended $100 million and under the Cotton amendment it would be possible to decrease this $15 million.

EDUCATION FOR THE HANDICAPPED, $8,150,000

Eight of the special programs within education for the handicapped were involved in our recommended changes, and in gross amounts we added $4.5 million in teacher education and recruitment, and $3.2 million in research and innovation.

The largest single increase was $4.1 million for teacher education—this will support 15 more college-university programs to train more of these dedicated people. Today, it is estimated that about 84,000 teachers and specialists are currently employed to serve over 5 million school age handicapped children. This is barely one-fourth of the number of such teachers needed.

In many ways, this is another shortage in health manpower which has sorely needed our attention.

Physical education and recreation training programs have been neglected in past appropriations, not only by the present administration but others and our recommendation of another $300,000 will bring that total to $1 million. This increase will concert seven planning awards into prototype programs and allow for more adequate funding of five planning grants.

A $1.8 increase in research and demonstration will help to acquire and disseminate knowledge relative to the education of handicapped children, and allow four large-scale programmatic research efforts to be funded and several small individual projects.

The sum of $1.5 million was added for the deaf-blind centers which serve the needs of those children who suffer this dual handicap. There are 10 of these centers and to support an effective program for these children the additional funds are necessary. The rubella epidemic of several years ago resulted in 20,000 to 30,000 handicapped children, many of them deaf-blind—so we are not even keeping up.

Health people tell me that rubella could break out again. As I have said, the rubella epidemic of several years ago resulted in 20,000 to 30,000 handicapped chidren, many of whom are deaf and blind.

Mr. BYRD of West Virginia. Mr. President, is it convenient for the Senator to yield for a question at this point?

Mr. MAGNUSON. Yes, I yield.

Mr. BYRD of West Virginia. The Senator will recall that late last year during the Senate's consideration of the HEW appropriation bill, which was subsequently vetoed, I offered an amendment on the floor of the Senate which was adopted and which added $23.1 million for the purpose of carrying out section 104 of the Clean Air Act. I am talking about air pollution control.

Would the Senator tell me whether or not this amount of money has been included in the bill before us?

Mr. MAGNUSON. In the House bill it was; and in our bill it was reported but, of course, it is subject to the 2 percent and the 15 percent.

Mr. BYRD of West Virginia. Yes. If the Senator will yield I would like to ask one further question.

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. The Senator will also recall that during consideration of the conference report on that same HEW appropriation bill I offered an amendment on the floor of the Senate which earmarked certain funds for family planning under the administration of the Office of Economic Opportunity.

Would the Senator tell me whether or not this money is also earmarked under the bill before us?

Mr. MAGNUSON. I think it is, yes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MAGNUSON. They have not actually firmed up those programs yet because, there again, OEO request of the administration did not come here until November 17.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MAGNUSON. Mr. President, I shall proceed with my presentation.

RESEARCH AND TRAINING

On research and training there is $2 million. I did not think that would be too much. We requested $7 million for two or three pilot operational school programs. We have not had an explanation as to what would be involved.

The current requests of the administration renewed their request for special funds for "experimental schools"—they originally asked for $25 million, which was not allowed in our previous bill.

Their current request was for $9.5 million, which the House did not allow, and which we have not allowed.

In our report we express the fact that we have no objection to the use of other research funds for planning these experiments, but that we feel that operational funds should be withheld until the planning has progressed further.

The administration had requested $7 million of this for two or three pilot-operational experimental school projects—yet no explanation of what actually would be involved was given.

SOCIAL AND REHABILITATION SERVICE

Grants for rehabilitation services and facilities, $3,500,000.

No funds were proposed by the administration for project development grants for rehabilitation facilities.

We recommend $3.5 million in grants to assist the local planning efforts leading to the development of a rehabilitation facility. These local planning grants are designed to insure strong community support and stability for the individual facilities by emphasizing sound program planning—and such grants maximize the potential of a facility to deliver effective social and rehabilitation services.

To defer actual construction is one thing—but we must continue these planning efforts which have proved so beneficial in the past.

MENTAL RETARDATION

We are talking about $4 million. The President's alternative that was sent us provided for $33 million. The committee recommendation was $37 million. It would be possible under the amendment to cut that $5.55 million, but I think we

are probably talking about more in a round figure of $4 million.

The administration appealed the addition of $4 million to the program of construction of community service facilities for the mentally retarded.

With this addition, the total available will be $17,531,000, slightly under the $18 million available last year.

During 1969, that $18 million which was used as the Federal share in funding local awards resulted in the construction of 80 projects costing a total of $54 million. This is an excellent example of the value of matching Federal dollars to local initiative.

Since 1966, when this program started, some 321 projects have been constructed for mentally retarded—the total costs have been $203,333,494—and the Federal share only $63,725,271. Thus the contributions from non-Federal sources has been better than 2 to 1, and exceed $139.6 million.

This addition will allow us to maintain almost the same effort as last year. We should perhaps do more, but we cannot do any less.

MATERNAL AND CHILD HEALTH AND WELFARE, $2.4 MILLION

Mr. President, we probably are talking about $2.4 million, although the total amount is $228 million, we made it $228,200,000, so it is not a great deal that is involved here in relation to the appropriation.

Last year there were 15 university-affiliated mental retardation centers offering a complete range of services for mentally retarded children, and demonstrating and training personnel in the diagnosis, treatment, education, training, and care of these children.

Four new centers are now involved in this vital program—Georgetown University here in the District, the University of Colorado in Denver, Boston Children's Hospital, and the University of California in Los Angeles.

Our recommendation will add $2.2 million in support of these centers and their service and training programs.

An addition of $200,000 will initiate a special dental health project grant program as authorized by section 510 of the Social Security Act. The administration did not request any funds for this program that is expected to provide comprehensive dental care and services for about 6,000 children in low-income areas.

I might say to the Senator from Colorado that I do not think this is affected too much by the amendment, but there is a program for four new centers, one at the University of Colorado in Denver.

Mr. ALLOTT. I am very happy to hear it.

Mr. MAGNUSON. Mr. President, I hope I have not been unduly long but this is a long compilation involving many programs relating to health, education, and welfare. There is a labor part of the bill, but that has not been involved in this veto business that has been going on.

So that will be probably as is, although the 2 percent would apply to the labor portion of the bill. It would apply to all portions of the bill.

So that completes my detailed explanation of the differences between what was proposed by the President and what is now contained in the new version of the Labor-HEW appropriation bill for fiscal 1970.

Again, to recapitulate, those differences total $579,681,500. $480.2 million is in the Office of Education; $45 million is in the National Institutes of Health; $38.5 million is in the Health Services and Mental Health Administration; $9.9 million is in the Social and Rehabilitation Service; and $6 million is in air pollution control.

This total difference of $579 million is less than 3 percent of the total in the entire bill, and represents an increase over the President's current request of 2.92 percent.

Mr. President, I suggest the absence of a quorum——

Mr. COTTON. Mr. President, will the Senator withhold that request?

Mr. MAGNUSON. Yes.

Mr. COTTON. Mr. President, I understand that some Members of the Senate on both sides must leave town very early in the afternoon. Naturally, I want an opportunity to speak to my amendment and a chance to respond to the distinguished chairman, who has had control of the floor from a quater past 10 to half-past 12, the present time.

Subject to the approval of the distinguished Senator from West Virginia, who is in charge of the floor at the present time—I do not want to presume on his prerogative, but I want to see what he thinks of the suggestion—I would like to ask that we have a live quorum, and then I would like to ask unanimous consent that the Senator from New Hampshire be allowed not to exceed 10 minutes to make certain announcements on behalf of HEW and the administration. Then after those 10 minutes are used, I would hope we could have a limited period of time, subject to the control of the Senator from Washington and myself, to get to an early vote on this amendment. We do not need to rehash a lot of things on the amendment. If we had 30 minutes on a side, it seems to me it would wind it up.

Mr. MAGNUSON. Mr. President, I would like to expedite this, but because so few Senators have been present, I do not know how many would want to speak on it. I will have to ascertain that. I know several Senators on this side of the aisle want to speak on it, and that there will be an amendment to the amendment of the Senator from New Hampshire.

Mr. COTTON. Of course, when we get Senators here, if we do not have a time certain for a vote, we know the experience we have had. So we will have the same opportunity we have had so far, to talk to an empty Chamber.

Mr. MAGNUSON. I have no objection, but several Senators want to speak, and I know there will be one or two amendments to the Senator's amendment.

Mr. COTTON. Mr. President, in view of that fact, and in view of the fact that the Senator from New Hampshire desires to make certain specific statements from the department and partly from the White House that I think Senators should know, may I ask unanimous consent that we have a live quorum and that the Senator from New Hampshire be recognized for not to exceed 10 minutes at the conclusion of the live quorum?

Mr. MAGNUSON. I am sorry. I did not hear the Senator's request.

Mr. COTTON. I am asking unanimous consent that we have a live quorum and that the Senator from New Hampshire be recognized for not to exceed 10 minutes after the live quorum in order to make certain announcements.

Mr. MANSFIELD. Mr. President, would the Senator consider the possibility of an hour or and hour and a half on the pending amendment at the conclusion of a live quorum?

Mr. COTTON. I suggested that.

Mr. MAGNUSON. The Senator from New Hampshire suggested that, but several Senators want to speak on the amendment. I do not know how many, because we have been practically alone here this morning.

Mr. MANSFIELD. We could get an extension of time.

Mr. MAGNUSON. I would rather not do that until we got more Senators here. Then there are going to be one or two amendments to the Senator's amendment.

Mr. COTTON. Several Senators are leaving town. The Senator from Washington has used the time well, but he has held the floor from 10:15 to 12:30, and I had hoped to get a vote on my amendment before some Senators left town.

Mr. HART. Mr. President, last month the Senate, in face of the threat of a veto, approved an appropriation bill providing $20.7 billion for the Department of Labor and for the Department of Health, Education, and Welfare.

In terms of appropriations for this fiscal year, that bill increased the administration's budget request by about $1.2 billion.

Most of that increase was for education and health programs.

Many of us voted for that increase on the grounds that Congress not only has the right to but the responsibility for setting national spending priorities.

We did so after pointing out that on 13 other appropriation bills, Congress had reduced administration budget requests by almost $7 billion and sought only to redirect less than 20 percent of that saving into health and education programs.

The President then proceeded—on live TV—to veto the bill on the grounds that spending for health and education was inflationary and that the money could not be spent wisely this late in the fiscal year. The President also singled out for particular criticism the increase in funds for aid to school districts affected by Federal employment—impact aid.

Mr. President, I will return to those points shortly, but first I would like to discuss the HEW appropriations bill as it is now before us.

The new total is $20.3 billion—$365 million less than we approved in January and $579 million over the administration's latest budget request.

I regret that we did not stick with the

figure we so overwhelmingly supported in face of the veto threat in January.

Under the bill as reported by the Senate Appropriations Committee, the President is directed to reduce the bill by another $347 million, the cuts to be made at the President's discretion.

In other words, we are being asked to retreat from our January stand in favor of health and education programs to the tune of more than $700 million—this in the same week that the administration outlined its proposals to expand the ABM system.

Somehow we are supposed to justify spending $1.5 billion to start expanding a complicated missile system on which research and development has yet to be completed, but not to vote for an extra $1 billion for health and education. I know of no better example to demonstrate how the momentum of a weapons system can distort our national spending priorities.

Evidently the effect of the cutback is supposed to be softened by additional language limiting the reduction in any single appropriation in the bill to 15 percent.

As I read the language of the bill and look at the increases included in the bill, few if any items have been increased by more than 15 percent.

Let me cite two items in which I have great interest.

The administration requested no funds to permit the Food and Drug Administration to implement provisions of the Truth-in-Packaging Act. The Senate added more than $600,000 for this purpose, which was reduced to $345,000 in conference. That figure is in this bill.

However, the truth-in-packaging money is included in a lump appropriation line item of more than $72 million for food and drug control.

A reduction of even 1 percent in that line item could more than wipe out funds for truth in packaging.

Even more disturbing is that a decrease of 10 percent in the appropriation of $76.6 million for general research and services in health could wipe out an increase of $6 million needed to keep 93 general clinical research centers operating.

Under the administration's original budget request, 13 of these clinics, including one at Wayne State University, would be closed. Given the fact that the administration has not asked for more money for this activity in its revised budget, it is logical to expect that, despite special mention in the Senate Appropriations Committee report on this bill, the administration will go ahead with its decision to close these centers.

Mr. President, what sense does it make at a time when hospital costs are soaring—up more than 70 percent since 1964—to cut back on research to find new ways of bringing medical advances to hospitals?

Of course, the same question can be asked of the President's request to reduce funds we appropriated in January for the Hill-Burton hospital construction program.

And we must also ask what fate awaits a number of existing chronic disease programs which the administration has sought to cut back, including the Nation's first arthritis prevention and control program set up in Michigan.

Despite the fact that the Senate Appropriations Committee took special note of these programs, we must still worry that the administration will go ahead with its plans to gut a 5-year program in its first year of operation.

In short, we abdicate our responsibility to set priorities if we instruct the President to eliminate many increases we have approved.

And now let me turn to the arguments the President used to justify his veto of the previous HEW appropriations bill.

As I have already discussed, the President chooses to ignore cuts Congress made in his budget requests and prefers to charge that spending on health and education is inflationary.

The President also has chosen to ignore the authorization Congress gave him last November to fund education programs at the level of appropriations approved by the House of Representatives last July. That level is $400 million higher than we are now asked to approve.

If the President had done what Congress instructed him to do in that November we would now be approving a reduction in spending for the remaining months of the fiscal year.

If indeed there is a problem of spending education money wisely this late in the fiscal year, the blame lies with the administration and not with Congress.

Even more curious is the administration's reasoning that it is required to spend what we appropriate today but not what we instructed him to spend in November.

And even still more curious is the fact that when the President vetoed the previous HEW bill, he objected to any increase in impact aid. Now he has asked for about twice as much as he originally requested, not only in this bill but also in his budget request for next fiscal year.

Mr. President, we should not retreat in face of such curious reasoning from the commitment we made in January to the health and education. I oppose the amendment directing the President to reduce the priorities the Senate set by $347 million.

Before I close, I would like to add a personal note. All of us who believe that health and education programs should be given a high priority owe a large debt of gratitude to Mr. MAGNUSON, the chairman of the Appropriations Subcommittee handling this bill.

Ever since the hearings began on this bill last year, he has demonstrated a sharp awareness and deep sensitivity to the issues involved.

Mr. MAGNUSON has provided great leadership in this effort to reorder national spending priorities. Let the record show that it was he who led us in approving the bill in January and that the provision giving the President discretion to reduce what we appropriate today is not his handiwork. Thank you, Mr. Chairman, for an outstanding job.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Early in my Administration I pledged that I would submit a new proposal for dealing with national emergency labor disputes. Since that time, members of my Administration have carefully reviewed the provisions of these laws and the nation's experience under them. We have concluded from that review that the area in which emergency disputes have created the greatest problem is that of transportation.

Our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods. Work stoppages in the railroad, airline, maritime, longshore, or trucking industries are more likely to imperil the national health or safety than work stoppages in other industries. Yet, it is in this same transportation area that the emergency procedures of present laws—the Railway Labor Act of 1926 and the Taft-Hartley Act of 1947—have most frequently failed.

It is to repair the deficiencies of existing legislation and to better protect the public against the damaging effects of work stoppages in the transportation industry that I am today proposing that Congress enact the Emergency Public Interest Protection Act of 1970.

TWO MAJOR OBJECTIVES

Our past approaches to emergency labor disputes have been shaped by two major objectives.

The first is that health and safety of the nation should be protected against damaging work stoppages.

The second is that collective bargaining should be as free as possible from government interference.

As we deal with the particularly difficult problems of transportation strikes and lockouts, we should continue to work toward these objectives. But we must also recognize that, in their purest form, these two principles are mutually inconsistent. For if bargaining is to be perfectly free, then the Government will have no recourse in time of emergency. And almost any Government effort to prevent emergency strikes will inevitably have some impact on collective bargaining.

Our task, then, is to balance partial achievement of both objectives. We must work to maximize both values. Ideally, we would provide maximum public protection with minimum Federal interference. As we examine the laws which presently cover the transportation industry, however, we find that interfer-

ence has often been excessive and protection has often been inadequate.

THE RAILWAY LABOR ACT

Work stoppages in both the railroad and airline industries are presently handled under the emergency procedures of the Railway Labor Act. Under this law, the President can delay a strike or lockout for 60 days by appointing an Emergency Board to study the positions of both parties and to recommend a settlement. If the 60-day period ends without a settlement, then the President has no recourse other than to let the strike occur or to request special legislation from the Congress.

Past events and recent experiences demonstrate the failure of these provisions. Since the passage of the Railway Labor Act 45 years ago, the emergency provisions have been invoked 187 times—an average of four times yearly. Work stoppages at the end of the 60-day period have occurred at a rate of more than one per year since 1947. Twice the President has had to request special legislation from the Congress to end a railroad dispute, most recently in 1967.

Why does the Railway Labor Act have such a bad record? Most observers agree that the Act actually discourages genuine bargaining. Knowing that the Emergency Board will almost always move in with its own recommendation whenever a strike is threatened, the disputants have come to look upon that recommendation as a basis for their own further bargaining. They have come to regard it as a routine part of the negotiation process.

Over the years, the members of one Emergency Board after another have concluded that little meaningful bargaining takes place before their involvement. Most of what happens in the early bargaining, they report, is merely done to set the stage for the appearance of the Federal representatives. Designed as a last resort, the emergency procedures have become almost a first resort. The very fact that an official recommendation is *possible* tends to make such a recommendation *necessary*.

The disputants also know that government participation need not end with the Board's recommendation. They know that the nation will not tolerate a damaging railroad strike—and that even compulsory arbitration is a possible legislative solution if they are unable to compromise their differences. This expectation can also have a significant, discouraging effect on serious bargaining. Aware that arbitrators and public opinion will often take a middle ground between two bargaining positions, each disputant feels a strong incentive to establish a more extreme position which will put the final settlement in his own direction. Expecting that they might have to *split* the difference tomorrow, both parties find it to their advantage to *widen* that difference today. Thus the gap between them broadens; the bargaining process deteriorates; government intervention increases; and work stoppages continue.

Many of the deficiencies in the Railway Labor Act do not appear in the Taft-Hartley Act. Therefore, as the first step in my proposed reform, *I recommend that the emergency strike provisions of the Railway Labor Act be discontinued and that railroad and airline strikes and lockouts be subject to a new law—one which draws upon our experience under the Taft-Hartley Act.*

THE TAFT-HARTLEY ACT

Labor disputes in other transportation industries—maritime, longshore, and trucking—are now subject to the emergency provisions of the Taft-Hartley Act, legislation which I helped write in 1947.

Under the Taft-Hartley Act, the President may appoint a Board of Inquiry when he believes that a strike or lockout or the threat thereof imperils the nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day "cooling-off" period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees have an opportunity to vote on the employer's last offer.

There are a number of features in the Taft-Hartley Act which encourage collective bargaining to a far greater extent than does the Railway Labor Act. First, government intervention is more difficult to invoke since the Taft-Hartley Act—unlike the Railway Labor Act—requires a court injunction to stop a strike or lockout. Moreover, the Taft-Hartley Act, explicitly prohibits the Board of Inquiry from proposing a settlement. Thus neither party is tempted to delay an agreement in the hope that the Board's recommendation will strengthen its hand. Finally, the standard for judging whether the threatened work stoppage justifies government intervention is stricter under Taft-Hartley than under the older Act—though the use of stricter standards does *not* imply that a strike or lockout which primarily involves one region of the country could not be enjoined if it threatens the national health or safety.

But even the Taft-Hartley Act gives the President inadequate options if a strike or lockout occurs after the eighty-day cooling-off period has elapsed—something that has happened in eight of the twenty-nine instances in which this machinery has been invoked since 1947. All of these instances of failure have involved transportation industries. As is the case under the Railway Labor Act, the President has no recourse in such a situation other than to submit the dispute to the Congress for special legislation.

Each of the last four Presidents, the President's Labor-Management Advisory Committee, numerous voices in the Congress, and many other students of labor relations have concluded that the President's options at this point in the dispute should be broadened. I share this conclusion—but I believe it advisable to limit its application at present to the transportation field. It is in the area of transportation, after all, that our present procedures have encountered the greatest difficulty. If at some later date, conditions in other industries seem to demand further reform—and if our experience with the new transportation procedures has been encouraging—we may then wish to extend the application of these new procedures.

THREE NEW OPTIONS

The President must have additional procedures which he can follow at the end of the cooling-off period if damaging work stoppages in vital transportation industries are to be avoided. *Accordingly, I propose that the Taft-Hartley Act—as it applies to transportation industries—be amended to give the President* three additional options if, at the *end of the eighty-day injunction period, the labor dispute in question has not been settled and national health or safety is again endangered.*

1. The first option would allow the President *to extend the cooling-off period for as long as thirty days.* This choice might be most attractive if the President believed the dispute were very close to settlement.

2. The President's second option would be *to require partial operation of the troubled industry.* Under this provision, the major part of the strike or lockout could continue. But danger to national health or safety could be minimized by keeping essential segments of the industry in operation or by maintaining service for the most critical group of service-users. This procedure could be invoked for a period of up to six months.

It is important, of course, that the precise level of partial operation be correctly determined—it must be large enough to protect the society but small enough so that both parties feel continued economic pressures for early settlement. Responsibility for determining whether partial operation is possible and for establishing the proper level of operations would be assigned to a special board of three impartial members appointed by the President. The panel would be required to conduct an extensive study of the matter and to report its findings within thirty days of its appointment. The strike or lockout could not continue during that period.

3. The President's third option would be *to invoke the procedure of "final offer selection."* Under this procedure, each of the parties would be given three days to submit either one or two final offers to the Secretary of Labor. The parties would then have an additional five days to meet and bargain over these final proposals for settlement. If no agreement emerged from those meetings, a final offer selector group of three neutral members would be appointed by the disputants or, if they could not agree on its membership, by the President. This group would choose one of the final offers as the final and binding settlement.

The selectors would hold formal hearings to determine which of the final offers was most reasonable—taking into account both the public interest and the interests of the disputants. They would be required to choose one of the final offers in the exact form in which it was presented; in no case could they modify any of its terms nor in any way attempt to mediate the conflict.

The final offer selection procedure would guarantee a conclusive settlement without a dangerous work stop-

page. But—unlike arbitration—it would also provide a strong incentive for labor and management to reach their own accommodation at an earlier stage in the bargaining. When arbitration is the ultimate recourse, the disputants will compete to stake out the strongest bargaining position, one which will put them at the greatest advantage when a third party tries to "split the difference." But when final offer selection is the ultimate recourse, the disputants will compete to make the most reasonable and most realistic final offer, one which will have the best chance to win the panel's endorsement.

Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of government arbitration tends to widen the gap between bargaining positions and thus invite intervention, the possibility of final offer selection would work to narrow that gap and make the need for intervention less likely.

It should be emphasized that the President could exercise any one of these options only if the eighty-day cooling-off period failed to produce a settlement. Whatever option the President might choose, either House of Congress would have the opportunity—within ten days—to reject his recommendation under a procedure similar to that established by the Reorganization Act of 1949.

Either a partial operation plan or a final offer selection could be voided in the courts if it were judged arbitrary and capricious. If the President were to choose none of the three additional options, if the Congress were to reject his choice, or if one of the first two options were chosen and failed to bring a settlement, then the President could refer the entire matter to the Congress as he can do under the present law.

OTHER RECOMMENDATIONS

The effort to broaden Presidential options is at the heart of the reforms I propose. There are a number of additional repairs, however, that would also strengthen our labor disputes legislation.

—*I recommend that a National Special Industries Commission be established to make a comprehensive study of labor relations in those industries which are particularly vulnerable to national emergency disputes.* Experience has clearly shown that such labor crises occur with much greater frequency in some industries than in others. The Commission, which would have a two-year life span, should tell us why this is so and what we can do about it.

—The Railway Labor Act presently calls for final arbitration by government boards of unresolved disputes over minor grievances. Usually these disputes involve the interpretation of existing contracts in the railroad or airline industries. Again, the availability of government arbitration seems to have created the necessity for it; the National Railroad Adjustment Board, for example, has a backlog of several thousand cases to arbitrate. The growing dependence on government represents a dangerous trend; moreover, the resulting delay in settlement is burdensome and unfair to both labor and management.

I propose therefore that the National Railroad Adjustment Board be abolished. A two-year transition period should be allowed for completing cases now in process. The parties themselves should be asked to establish full grievance machinery procedures, including no-strike, no lockout clauses and provisions for final binding arbitration. When necessary, the Federal Mediation and Conciliation Service would assist in this process.

—A labor contract in the railroad or airlines industry presently has no effective termination date. This is true because the right of the parties to engage in a strike or lockout depends on a declaration by the National Mediation Board that the dispute cannot be resolved through mediation. Negotiations can thus drag on for an indeterminate period, far beyond the intended expiration date of the contract, with no deadlines to motivate serious bargaining.

I recommend that this unusual procedure be discontinued and that new labor contracts for railroads and airlines be negotiated in the same manner as those for most other industries. The party which desires to change or terminate any contract would be required to provide written notice to that effect sixty days in advance of the date on which the change is to go into effect. The schedule of negotiations would thus depend not on the decision of the National Mediation Board, but on the decisions of the parties; earlier, more earnest, and more independent bargaining would be encouraged.

—The National Mediation Board now handles two very different functions: mediating railway and airlines disputes and regulating the process by which bargaining units are determined and bargaining representatives are chosen. This combination of functions is unique to the railroad and airlines industries, and again, I propose that the discrepancy be eliminated. *The mediation functions of the National Mediation Board should be transferred to the Federal Mediation and Conciliation Service*—which presently handles this work for the vast majority of our industries. *The regulatory functions should remain with the National Mediation Board, but its name should be changed to the Railroad and Airline Representation Board to reflect this new reality.*

Whenever possible, the government should stay out of private labor disputes. When the public interest requires that government step in, then it should do so through procedures which bring the current conflict to an equitable conclusion without weakening the self-reliance of future bargainers.

The nation cannot tolerate protracted work stoppages in its transportation industries, but neither should labor contracts be molded by the Federal government. The legislation which the Secretary of Labor is submitting to the Congress would help us to avoid both pitfalls; it would do much to foster both freedom in collective bargaining and industrial peace. The hallmark of this program is fairness; under its procedures we will be able to end national emergency labor disputes in our transportation industries in a manner which is fair to labor, fair to management and fair to the American public.

RICHARD NIXON.

THE WHITE HOUSE, *February 27, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum—and it will be a live quorum—with the understanding that the Senator from New Hampshire will be recognized at the conclusion of it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 68 Leg.]

Aiken	Fong	McClellan
Allen	Gore	McGee
Allott	Gravel	Metcalf
Baker	Griffin	Muskie
Bennett	Gurney	Pell
Boggs	Hansen	Ribicoff
Burdick	Hart	Schweiker
Byrd, W. Va.	Holland	Scott
Cook	Hruska	Sparkman
Cooper	Inouye	Spong
Cotton	Javits	Stennis
Curtis	Kennedy	Talmadge
Eagleton	Magnuson	Williams, Del.
Eastland	Mansfield	Williams, N.J.
Ellender	Mathias	

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator of Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necesarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson	Bible	Cannon
Bayh	Brooke	Case
Bellmon	Byrd, Va.	Cranston

Dodd	Jordan, Idaho	Proxmire
Dole	McCarthy	Randolph
Dominick	McGovern	Russell
Ervin	McIntyre	Smith, Maine
Fulbright	Miller	Stevens
Goodell	Moss	Symington
Harris	Murphy	Thurmond
Hartke	Nelson	Tydings
Hatfield	Pastore	Yarborough
Hollings	Pearson	Young, N. Dak.
Jackson	Percy	Young, Ohio
Jordan, N.C.	Prouty	

The PRESIDING OFFICER. A quorum is present.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, I will not take time at this point to argue the case for the amendment; but, while Senators are present, I want to make some definite announcements that I think will be of interest to the Members of the Senate in connection with the amendment.

A great deal of concern, very naturally, has been expressed over where the President would exercise his option in reducing specific appropriations, if the Cotton amendment should be adopted, if the bill should pass with it and if the President should sign the bill. I wish to remind Senators, that this 2-percent reduction is 2 percent of the bill after the exclusion of the social security trust fund, the railroad retirement fund, the Soldiers' Home fund, and the administration of those programs.

So out of the $19 billion-plus bill, this will apply only to an amount of $17 billion-plus; and a 2-percent reduction out of $17.339 million is not a great reduction in this bill, which is the largest HEW bill that has ever been considered by the Congress in the history of the Department.

I have no authority to give any indication, and I do not have any indication, whether the President would accept this bill or veto it if it were passed with the Cotton amendment. I do have authority to make the following statements, on behalf of both the White House and the Department of Health, Education, and Welfare. If the bill is passed with the Cotton amendment, allowing the President to reduce by 2 percent, not one cent will be taken from these two funds, these two appropriations—impacted areas and Hill-Burton funds, including construction. In other words, the amount in the bill we are considering, which came from the House, will be left intact and not a cent will be taken from either of those funds.

I have authority to make that pledge on behalf not only of HEW but of the administration as well. I have no authority to make any additional pledges of the White House, but I state to Members of the Senate, in order to have all the cards on the table, what I am authorized to say will be the recommendations of Secretary Finch and of the Department of Health, Education, and Welfare to the President as to exactly what reductions will be made and from what items.

It should be understood that in the Cotton amendment is a provision that no more than 15 percent can be taken from any line item in the entire bill; and I am able to tell the Members of the Senate what the Secretary will recommend to the President as to each item. Speaking for myself, I cannot imagine that I would have that authority without the knowledge of the White House. I shall state the items slowly and carefully:

From the appropriation in this bill for air pollution control, which is $108.8 million, the amount of $6 million would be recommended to be deducted.

From mental health, an appropriation of $360,302,000, the amount of $6.3 million.

From the construction of community mental health centers, an amount of $35.5 million, $6.3 million.

From hospital construction, nothing, as I have already announced—no deduction.

The amount in the bill for District of Columbia medical facilities is $10 million. In the President's offer, even his final offer, of February 2, he was cutting it all out. But from the $10 million, it will be recommended that 15 percent be deducted—$1.5 million.

From the National Institute of Arthritis and Metabolic Diseases, in the amount of $146,334,000, $8,666,000.

May I interpolate there to say that that comes from the program of training of researchers and does not affect to the tune of 1 single cent the artificial kidney program?

The National Institute of Neurological Diseases and Stroke, in the bill is $106,978,000. The reduction would be $5,722,000.

National Institute of Allergies and Infectious Diseases, $103,695,000, the deduction would be $1,306,000.

The National Institute of General Medical Sciences, totaling $164,644,000, the reduction would be $10,356,000.

From general research and services, the amount of $76,658,000, the reduction would be $6,960,000.

From health manpower direct loans, the amount of $234,470,000, the reduction would be $15,531,000.

From dental health, from the appropriation of $11,722,000, the deduction is $835,000.

From building facilities, NIH, which means repairs, reconditioning, and so forth—no deductions. Senators will note that in the NIH there, there is no deduction. Not 1 cent from the stroke, heart and cancer research in the appropriation.

Now in the elementary and secondary education, from the appropriation of $638,534,000, the amount of the deduction is $95,700.

That is broken down as to title I fund—$386,160.

Mr. GOODELL. Is that million or thousand?

Mr. COTTON. That is $95,700,000.

Mr. GOODELL. The Senator said thousand.

Mr. COTTON. $95,700,000. The breakdown is on the title I funds which are $386,161,000 and the reduction would be $42,700,000.

On library resources which are $50 million, the reduction would be $40,000.

Guidance, counseling, and testing, $17 million, the reduction would be $13,000.

Bilingual education, which is $25 million, no deduction.

Instructional equipment, which is $43,740,000, the deduction would be $6,500,000.

School assistance in federally impacted areas, which is in the amount of $520,167,000—as I have stated before, there will be no deduction on that.

Education professions development, $107,500,000. The reduction on that would be $3,750,000.

On higher education, $871,874,000, the deduction would be $100,000. This is another breakdown, under graduate instruction, which is $30 million, that would be taken out.

Mr. HATFIELD. Mr. President, was that $100,000 or $100 million?

Mr. COTTON. I am sorry—$100 million out of the $871 million—right.

Now, breaking that down, the amount for undergraduate instruction of $33 million would be taken out entirely. That is not a line item. It is a breakdown of the line item.

On the NDEA loans of $63,900,000, there would be a reduction of $67,100.

Now, vocational education, $391,716,000 would be reduced by $45,620,000.

Libraries and community services, $140,881,000, would be reduced by $22,300,000.

Education for the handicapped, $100 million, would be reduced by $8,150,000.

Rehabilitation services and facilities, $464,783,000, would not be touched at all—no reduction.

Mental retardation construction, $37 million, would be reduced by $2 million.

Child health and welfare, $248,800,000—no reduction.

Now those are the total reductions out of the $17,339,000,000. This total reduction adds up to the $347,295,000 which is the reduction the President would make on the total reduction in the bill. In other words, the Cotton amendment only reduces from $17,300,000,000, the reduction of 2 percent, to $347,295,000. Those are the ways the reductions would be taken.

Mr. President, I shall not take further time of the Senate, but I should like to speak later to some of the other aspects of this subject.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I am happy to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. I wish to commend the Senator from New Hampshire for the excellent work he has done as the ranking Republican member on the subcommittee for HEW funds.

I used to serve as a regular member on that committee years ago but I got off of it because no matter how much we added in committee, over the budget or over the House, it was never enough. They always added more on the Senate floor.

This is one committee that can never satisfy the public, or many Members, because it has so many programs which

are appealing and the amount of money which could be spent on these programs is almost limitless.

But here we are, 8 months after the bill should have been passed under the rules of the Senate, and one veto by the President, we are now faced with the practical situation that if we pass the bill as it came to us from the House it will face another Presidential veto.

I, for one, would be inclined to support the President's veto, and I think the President would be sustained in that veto. So that we would be right back where we were before. Thus, we do face a practical situation. Do we accept a reasonable compromise, that the President will not get all he wanted, or those in Congress would not get all they wanted, but we would settle the issue?

There are only 4 months more to go for the balance of this fiscal year.

If it comes to a contest at election time, and time will only tell whether those who want more money will gain politically or those who voted for cuts will gain politically.

I know this, however, that whenever the President gets into a contest with Congress, it is usually the President who wins politically.

I remember the 80th Congress very well, that President Truman was elected in 1948 almost entirely on the basis of his panning of the Congress.

Thus, I see nothing to be gained by anyone, unless they want to continue this controversy with the President on whether this bill should be passed with some reductions or increases. So I would hope that we will look at this as a practical situation that no one will get all he wants but rather we accept the Cotton compromise.

I commend the Senator from New Hampshire again for the fine compromise he has offered.

Mr. COTTON. Mr. President, I thank the Senator.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. EAGLETON. Mr. President, I should like to ask the Senator some questions, because I did not get some of these figures precisely in mind.

Could the Senator tell me with respect to elementary and secondary education—for library resources, the figure in the bill is $50 million—to what would that be reduced?

Mr. COTTON. That would be reduced by $40 million.

Mr. EAGLETON. Guidance counseling and testing. In the bill, $17 million is provided.

Mr. COTTON. That would be reduced by $13 million.

Mr. EAGLETON. With respect to higher education, other undergraduate facilities, $33 million is provided in the bill.

Mr. COTTON. That is undergraduate construction.

Mr. EAGLETON. The Senator is correct.

Mr. COTTON. That would be all taken out. These are all the recommendations that the Secretary of Health, Education, and Welfare would make to the President if the amendment were agreed to.

Mr. EAGLETON. I think the Senator repeated once again, as he did earlier in his remarks this morning, that the item for impacted aid, which is $520,567,000 in the bill, would be unchanged.

Mr. COTTON. That would not be touched. First, if the amount is agreed to, and if the recommendations of the Department are adopted, the following items would not be touched to the tune of a single cent: Hill-Burton hospital construction would not be touched; the impacted area funds would not be touched, the bilingual education would not be touched; the rehabilitation services and facilities would not be touched; and the maternal and child health and welfare would not be touched.

I have given the other figures.

Mr. EAGLETON. Mr. President, I have some other questions I should like to address to the Senator if I could. Would the Senator rather finish his statement first?

Mr. COTTON. Mr. President, will the Senator permit me to cover a few quick points that I can cover in about 3 minutes?

In the first place, it should be understood that the Cotton amendment does another thing. It permits the President to apply these 2-percent reductions across the board and spread them over both the mandatory and the nonmandatory items in the bill.

Mandatory items have been legally adjudged to be items—regardless of whether there are contributions or whether there are matching funds by the States or local facilities—administered under a formula to the State or subsections thereof.

Those, without this amendment, the President could not touch.

That means if the House bill passed and if it should become the law—and I have no prediction. I will not say whether the President will veto or sign it, because I have no idea, but I would guess he might veto it—roughly $16 billion plus is involved in the HEW program. Of that $16 billion, $11.6 billion are mandatory, and the President could not touch them. But that leaves $5 billion he can touch. That would be the only area in the bill that he could touch.

And if he chose to accept the House bill and sign it, he could cut out, for instance, all of the District of Columbia medical facilities. He could cut out all of the instrumental equipment items. He could cut out the whole $100 million for the educationally handicapped. I do not say that he would.

He could cut the $229 million student loan program.

In fact, it narrows his option down to some of these items.

That is the reason I carefully put in my amendment—and that was before we had information from downtown—that no line item could be cut beyond 15 percent.

I have every reason to believe the information is reliable. I can assure the Senate that it is reliable as far as impacted aid and the Hill-Burton construction funds are concerned.

The reason that I assert that this amendment reaches across both mandatory and nonmandatory items is the history of the similar amendment which was voted on in the House and lost by nine votes. But that was ruled as a limitation not subject to a point of order.

In the RECORD of February 19, Representative MCFALL posed the following question:

I would like to ask the gentleman about the meaning of his motion. As I read the gentleman's motion to recommit, it merely makes a 2½-percent across-the-board cut, excepting certain amounts that have been listed. I will ask the gentleman, is he not making the President's job that much more difficult, because there are still the mandatory provisions of the law, and the President would have to spend the amounts of money that are mandatory, and he would have to take the 2½-percent cut out of those things that are discretionary with the President, which he would have under the law anyway, as I understand it. He has the discretionary authority, and it would seem to me he could use it.

The response from Representative MICHEL was:

No; I believe he could take the 2½ percent out of any appropriation or program in this bill except those which are specifically excluded by the language of the motion to recommit.

That is the social security fund, the railroad retirement fund, and the Soldiers' Home fund, and the administration of those funds.

So it seems clear that if my amendment were rejected, the bill would specify that the President would have the power, if he wanted to use it. I am not suggesting that he would use it in a meat-ax manner.

We know he did not include in any of his recommendations the $10 million for the District of Columbia medical facilities. And, in my opinon, nothing is more needed than that.

It means that his power would be concentrated on a small area.

If my amendment is agreed to, it means that his discretionary reduction would be spread over them all.

Also, I should like to mention one other point. There has been distributed—and a copy of it came into my hands—by opponents to the Cotton amendment, a dialog here.

One of the questions is:

Why shouldn't the President have a little bit of discretion over the spending of only 2 percent of the money in the bill?

The answer is:

To give this authority is to give the President an item veto, an authority that the Congress has given no previous Chief Executive, not even President Washington.

It is an abdication by the Congress of its constitutional power of the purse to enforce its policy determinations. Two percent of $17.35 billion, the amount subject to section 411, is $347 million. Permitting discretionary cuts up to 15 percent of the appropriation items so as to achieve this $347 million reduction would empower the President and the Bureau of the Budget to reduce programs—

The memorandum goes on with the amount they could reduce.

Mr. President, I just want to say that nothing could be more fallacious than that statement. Congress is not abdicating its power because if my amendment is agreed to it is not authorizing but is directing the President to reduce by 2 percent the $17 billion-plus that would be subject to reduction.

Mr. FONG. Mr. President, will the Senator yield?

Mr. COTTON. I shall yield in just a moment. I wish to finish this statement.

It is directing him to do so, just as Congress directed President Johnson to reduce his budget by $6 billion; giving him discretion where to reduce it.

So one does not have to go back to President Washington to find a precedent. I did not vote for any President to have an item veto but this amendment is carefully limited. It is a limitation that is so carefully spelled out that it is a directive by Congress, and nothing is more ridiculous than this claim.

I yield to the Senator from Hawaii.

Mr. FONG. I was going to ask the distinguished Senator if we did not do the same thing with respect to President Lyndon Johnson.

Mr. COTTON. Yes.

Mr. FONG. We gave him authority to cut from the second supplemental appropriation bill for fiscal year 1969 the sum of approximately $6 billion.

Mr. COTTON. We did not give him authority; we told him he must. Frankly, I will say in all honesty I thought it was a rather cowardly performance to pass the buck to the President for that $6 billion.

In this case $347 million out of $17,339,000,000 is a small concession. If my amendment is agreed to, and if the bill goes to him, the President would be compelled to meet us halfway or nearly halfway because he will be compelled to find a place to cut $232 million out of his own recommended pet programs where his recommendations are in excess of the bill. It is a two-way street.

I yield to the Senator from Missouri.

Mr. EAGLETON. On that point, and I think it is a very important point, I am having some difficulty comprehending the precise language that the Senator is employing in both his amendment and his verbal explanation of his amendment. The last proviso of his amendment, section 411, reads as follows:

> Provided that in the application of this limitation, no appropriation may be reduced by more than 15 per centum.

Then, in his remarks the Senator from New Hampshire on at least two instances referred to "line items" and said that no line item could be reduced by more than 15 percent. I would like to clarify that.

To use an example, I wish to ask the Senator if in connection with the Elementary and Secondary Education Act, library resources is not a line item?

Mr. COTTON. In my opinion it is a line item.

Mr. EAGLETON. Very well. If it is a line item, and if it is in the bill at $50 million at the present time, under the Senator's understanding of what is a line item, and under the Cotton 15-percent formula, how could that be cut more than $7.5 million?

Mr. COTTON. May I say frankly the Senator has an excellent point.

I will say that the Senator from New Hampshire has been struggling for the last 2 or 3 days to get this information in order that the Senate could be informed. I suspect in 5 minutes I can have this corrected because somewhere near the Senate is the budget officer of HEW.

But as I was reading through this material, it occurred to me. I have only had this is my possession for a short time. I shall get the answer to the Senator's question. However, the Senator from New Hampshire agrees with the Senator from Missouri that that is a line item and could not be reduced in that amount, and if that is included, there would have to be a revision.

Mr. EAGLETON. I would like to pursue that a bit further. The same theory would apply to guidance, counseling, and testing, which is $17 million in the bill. A cut of $13 million would well exceed the Cotton formula.

Mr. COTTON. The same answer.

Mr. EAGLETON. Just to button this matter up, with respect to higher education construction, the item "Other undergraduate facilities" in the bill at $33 million. Is not that a line item and under the 15-percent formula it could not be cut in excess of 15 percent?

Mr. COTTON. I note that particular item is in parentheses. I am not sure of the answer, but I suspect I will have an answer to all three questions before the Senate proceeds much further.

Mr. EAGLETON. Is it the intent of the Senator from New Hampshire, the author of the Cotton amendment, section 411, that his 15-percent limitation apply precisely to line items and not to a more broadly defined form of appropriation that might contain an entire assortment of things?

Mr. COTTON. That is the intention of the Senator from New Hampshire, and I wish to remind the Senator from Missouri that the Senator from New Hampshire's amendment speaks for itself. He saw to it that it involved a 15-percent ceiling for any cuts.

Now, in the constant desire of members of the Committee on Appropriations before we came to the floor of the Senate, to find out where the cuts would be made, the Senator from New Hampshire perhaps made a nuisance of himself, but he kept after the Secretary of HEW and desired to have more specific information because he wanted to be able in dealing with the committee and the Senate to give just as complete and definite assurance as possible.

I guess it was the night before last that I secured the confirmation that impacted area funds and Hill-Burton funds, including construction, would not be touched and I insisted that that be confirmed from the top.

The rest of this is, as I said, what would be the recommendations of the Secretary of Health, Education, and Welfare to the President if this bill passed with this amendment in it. It was not necessary to lay this before the Senate but I desired to.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. YOUNG of North Dakota. The Senator from New Hampshire had a difficult problem from yesterday until now. His original amendment called for 25 percent and he changed it to 15 percent, so there may be a little confusion on the amount of money for line items.

Mr. COTTON. It is possible, but I will try to obtain the answers and dot the i's and cross the t's.

Mr. EAGLETON. Mr. President, I have an amendment to the first committee amendment, the so-called Cotton amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 17, strike out "no appropriation" and insert in lieu thereof the following: "no amount specified in any appropriation provision contained in this Act".

Mr. EAGLETON. Mr. President, in light of the exchanges between myself and the Senator from New Hampshire——

Mr. COTTON. Mr. President, was the amendment read?

The PRESIDING OFFICER. It was read.

Mr. COTTON. May I request that it be read again?

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 17, strike out the words "no appropriation" and insert in lieu thereof the following:
> "no amount specified in any appropriation provision contained in this Act."

Mr. EAGLETON. Mr. President, I offer this amendment as an appropriate follow-up to the exchange between the Senator from New Hampshire and myself. As was stated earlier, the last sentence of the present Cotton amendment reads:

> That in the application of this limitation, no appropriation may be reduced by more than 15 percentum.

When I saw that language, I had some difficulty as to just what was actually intended by the Senator from New Hampshire in terms of the word "appropriation." For instance, was the whole Elementary and Secondary Act to be considered a lump-sum appropriation? Or did "appropriation" mean, in fact, what we refer to as a line item?

I have now had the exchange with the Senator from New Hampshire in which he pointed out that it was his firm intent that it would apply to line items. I have been through some of the items; for instance, library resources under "Elementary and secondary education." The Senator from New Hampshire considers that, as do I, a line item. In the bill that is $50 million. However, as the Senator from New Hampshire himself pointed out, the Secretary of HEW is perhaps going to recommend that it be cut as much as $40 million. $40 million of $50 million is 80 percent—obviously grossly in excess of the Cotton 15-percent limitation.

The same with respect to guidance, counseling, and testing under "Elementary and secondary education."

Mr. COTTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. COTTON. May I say, first, that, with respect to these figures, which were hastily given to me, there was no intent on the part of either the Senator from New Hampshire or the budget officer of HEW not to make this applicable to line items.

The purpose and effect of the Senator's amendment is to have this limitation extend to line items. No rollcall has been ordered on this measure, and I assume I can amend it without unanimous consent. I accept the Senator's amendment and ask that it be incorporated in my own.

Mr. EAGLETON. Mr. President, so that we may have a clear legislative history, the purpose and intent of my offering this amendment is to buttress the concept of the Senator from New Hampshire that this limitation applies to line items. So that the items library resources, guidance, counseling, and testing, under "Elementary and secondary education," and other undergraduate facilities, under "Construction," are line items to which the 15-percent limitation would apply.

Mr. COTTON. It is the belief of the Senator from New Hampshire that this would have been the effect of his amendment originally, but if this amendment is necessary to accomplish the purpose, I welcome the suggestion of the Senator from Missouri to incorporate it and to make it crystal clear, because that is the intent.

The PRESIDING OFFICER. The Chair wishes to advise that the amendment is a committee amendment, and not an amendment of the Senator from New Hampshire, and would therefore require unanimous consent.

Mr. COTTON. Mr. President, I ask unanimous consent that the amendment of the Senator from Missouri to the committee amendment, which was originally my amendent, be adopted and incorporated in the committee amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I think some Senators want to know just exactly what, with this amendment, could or could not be done if the Cotton amendment stays in the bill.

Mr. COTTON. Mr. President, if the Senator had been on the floor, he would know the Senator from New Hampshire had just finished reading what he thought was an accurate statement of the Secretary of Health, Education, and Welfare—the same thing that I had in the committee yesterday just before we voted on what would be the recommendations for each item.

Mr. MAGNUSON. Yes, I know.

Mr. COTTON. It turns out—and the Senator from Missouri is to be commended for catching it—that in breaking down the higher education items, for example, and in breaking down the elementary-secondary education items into various items, while the 15 percent applies as far as the overall item is concerned, if we take individual items, in about three instances the 15 percent limitation is exceeded.

I assured the Senator that I will inform him as soon as I get word from the Budget officer. I think these were the incorrect amounts. But the Senator from Missouri, in order to be sure, offered his amendment, which simply means that the 15 percent limitation in this amendment refers to line items, not just to overall appropriations; and I was glad to accept it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? Without objection, the modification is accordingly agreed to.

Mr. MAGNUSON. It prevents any line item from being cut more than 15 percent.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. FONG. Mr. President, I wish to commend the distinguished Senator from New Hampshire for his very fine amendment. I wish to commend also the distinguished Senator from Missouri for clarifying that amendment. I believe that the distinguished Senator from New Hampshire has performed a great service for us and that he has given us a way out of a situation in which the Congress finds itself stalemated with the President. I believe his amendment is a very fine amendment. It has the promise of assuring us of a bill which would be of greater service to our education and health programs than the continuing resolution under which we are now operating.

Mr. President, in order to understand what the Senate Appropriations Committee has recommended in the pending bill, H.R. 15931, I wish to summarize the situation in which we find ourselves with respect to fiscal year 1970 appropriations for the Departments of Labor and Health, Education, and Welfare, Office of Economic Opportunity, and related agencies.

As we debate this measure, we should realize there are only 4 months of fiscal year 1970 remaining.

This is the end of February. We have only the months of March, April, May, and June, and fiscal year 1970 will be gone—just 4 months left in a fiscal year—and the appropriation bill for these agencies has not become law.

During the preceding 8 months of fiscal year 1970, all agencies in the Labor-HEW bill have been operating under a continuing resolution. When the effective time of one continuing resolution ended, we passed another continuing resolution, and we are still operating under a continuing resolution.

While the rates of spending have shifted somewhat under these various continuing resolutions, I am advised that actual obligations for the Department of Health, Education, and Welfare have been at the rate in the President's April 1969 budget or the conference version of the vetoed bill, H.R. 13111, whichever is lower. In other words, continuing resolutions have been enacted, and we are now under a continuing resolution at the rate of the President's April 1969 budget or the vetoed conference bill, whichever is lower.

What this means is that, by passing the pending bill, even with the reductions provided in section 411—the Cotton amendment—we would be releasing approximately $550 million more for obligation for HEW programs than is being obligated under the continuing resolution. In other words, if we adopt the Cotton amendment, we would be releasing an additional $550 million for health and education programs than if HEW were to remain under the continuing resolution.

This figure of $550 million has been provided me by the Department of Health, Education, and Welfare, and I have no reason to dispute the amount.

By delaying action on H.R. 15931, the Senate would actually be restricting obligations to a level more than half a million dollars below the bill which the Appropriations Committee recommends. In other words, if we act now, and pass this bill with the Cotton amendment, we can be assured—the distinguished Senator from New Hampshire has reason to believe that this bill would then be approved and not vetoed—that $550 million more will begin to flow to our States and school districts.

The bill, as passed by the House of Representatives, contains a total of $20,392,734,500. We have every indication the President will veto the House version of H.R. 15931.

The bill recommended by the Senate Appropriations Committee recommends the identical amounts contained in the House bill, but we have included a very important provision which calls for a 2-percent reduction in the total amount of the bill. Trust funds such as social security, railroad retirement, and the U.S. Soldiers Home are exempted from any cuts.

In addition, the administration has given assurances that the amounts contained in the bill for schools in federally impacted areas and for Hill-Burton hospital construction will not be reduced.

This means that $520,567,000 would be available for impacted areas schools, $80,000,000 more than the President requested on February 2 this year.

It also means $176,123,000 would be available for hospital construction, $22,000,000 more than the President requested on February 2.

After deducting the exempted trust funds, there is a total of $17.339 billion against which the 2-percent reduction would be applied. In dollars, the reduction called for is $347 million.

The Senate Appropriations Committee provision, however, insures that no program can be wiped out by the 2-percent reduction. We do this by limiting to 15 percent the total reduction that can be applied to any one line item in the bill, as has now been clarified by the distinguished Senator from Missouri.

This is in brief the bill as presented to the Senate.

It is a bill, which in terms of money amounts and the discretionary authority given to the President to make reductions, is acceptable to the administration, we have been assured.

As a member of the Senate Appropriations Committee, I helped to write the much more generous Labor-HEW appropriation bill, H.R. 13111. But that bill

was vetoed by the President. There is no hope now of enacting that bill inasmuch as the House of Representatives refused to pass it over the President's veto.

So we in Congress are confronted with a situation where we are forced to approve a lower bill in order to have any bill at all enacted or arrive at any compromise with the President.

And the longer we delay passing a bill that will be signed, the longer we deprive school and health agencies throughout the country of higher amounts for their programs.

It is my understanding that if the pending bill is approved, obligations could immediately be increased to a level of $550 million higher than presently prevails under the continuing resolution under which we are now operating.

According to figures furnished to me, the Department of Health, Education, and Welfare had obligated as of December 31, 1969, only $8.3 billion. By now, it is estimated obligations probably total no more than $10 to $11 billion. Obviously, the sooner we approve this bill, the sooner HEW can begin to obligate at a higher rate and the sooner school districts and health agencies can begin to receive higher allocations.

Should the Senate strike out section 411 containing the 2-percent reduction and 15-percent limitation, the bill would be headed for a Presidential veto, I have been told. We would have to provide some authority for HEW to continue obligating and spending money, probably through another continuing resolution at a lower level than provided in the pending bill. This would be a major disservice for education and health in America.

By passing H.R. 15931, with amounts recommended by the Senate Appropriations Committee and with the 2-percent reduction provision, the Senate will be acting on a bill which can become law and which I believe will become law, and which significantly improves the present situation of our health and education programs.

We are faced with a very difficult dilemma, either to continue operating under continuing resolutions for the rest of the 1970 fiscal year or to pass a bill which will provide $550 million more than is presently going for health and education throughout America under the continuing resolution.

I believe we should be practical and not delay any longer a higher rate of pay for schools and hospitals and other programs in this bill.

If section 411—called the Cotton amendment—is deleted, this bill faces a Presidential veto.

That means Congress must take some action to assure funds for the agencies in this bill—for their authority runs out tomorrow night at midnight.

Congress would then be faced with trying to pass the bill over the President's veto, passing another continuing resolution, or passing another bill.

Meanwhile, the clock continues to tick on and the days and weeks go by.

School districts will still be uncertain how much in impacted aid and other assistance from the Federal Government will be forthcoming.

This is no way to operate and no way to legislate.

We have lost 1 month since the President vetoed H.R. 13111. It is up to the Senate to break the impasse we face and to take the reasonable, practical approach the Senate Appropriations Committee has proposed in the pending bill.

I urge passage of H.R. 15931 as recommended by the Senate Appropriations Committee, insofar as the money amounts and section 411 are concerned.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I commend the Senator on his statement, and would also like to say for the RECORD that for nearly a decade, I have been ranking minority member of the Subcommittee on Health, Education, and Welfare, and we have had many Senators come and go on that committee, as the Senator from Washington knows, on both sides of the committee. As a new member of the subcommittee this year, the Senator from Hawaii has shown great faithfulness. I do not know that I have ever known a new member of the subcommittee, in his first year, to attend hearings so regularly and to study the items in our budget so carefully, and certainly none has questioned the witnesses with greater ability, or shown a keener grasp of the subject.

For a new member, he has been exceptionally effective, and his constituents in Hawaii should be very proud of him and of the care he has taken day after day to see that this great bill, which will do much for the disadvantaged and the underprivileged, has received its full consideration and that we have squeezed out the last cent possible for effective programs.

Mr. MAGNUSON. Mr. President, may I join with the Senator from New Hampshire?

Senator FONG was very diligent and his wise counsel appreciated by all of us on the subcommittee.

Mr. FONG. Mr. President, I thank the distinguished Senator from New Hampshire and the distinguished Senator from Washington for their very kind words.

In serving on this committee under the chairman, the distinguished Senator from Washington and under the ranking minority member, the Senator from New Hampshire, I have learned much from their tremendous insight and from their vast knowledge of the bill. I can attest to their unsurpassed dedication to the health, education, and other humanitarian programs contained in the bill. From their wisdom and experience in handling this high-priority legislation, I have learned much. I know I shall continue to learn much under them, and for that I am very thankful. Our Nation can be thankful that the Labor-Health, Education, and Welfare appropriation bill is under such excellent management.

Mr. PELL. Mr. President, I rise to urge the Senate to oppose that portion of the Appropriations Committee amendments which provides the Executive with the power to cut 2 percent of the total sums appropriated for Labor-HEW.

It seems to me that we are again at issue on what could be stated as a matter of priorities. For some reason this administration seems to find that military, space, and other so-called hardware programs are of more importance than education and health.

With a gross national product of $1 trillion, a cut of $300 million, or less than a third of 1 percent, will not have a very substantial effect on inflation. Let us not fool ourselves: If we do not appropriate the funds, the State and local governments will have to find them. And here I ask why State and local expenditures are not inflationary while Federal spending is.

The 2-percent discretionary cutting authority now before us seeks to arrive at a compromise with the President by saying, in effect, "Here are the funds; you cut where you want to." I believe that by doing so we sidestep our constitutional responsibilities and delegate to the Executive the setting of priorities which we have already recognized as paramount in the various appropriations bills.

In the past, on the Senate floor, some of us have said that the Appropriations Committee had perhaps too much authority. We have even referred to it as the presidium. But now we see a tendency to go in the other direction and to derogate from its authority.

I also wonder at the jargon used by those who support this method of cutting funds. We were told, from the first, that the worst program contained in the measure is impacted aid; yet the one, to use the vernacular, "sweetener" which the administration offers to the Congress in order to get the 2-percent cut is that, impacted area programs will not be touched. Once again, the administration has come out foursquare on both sides of an issue.

So where is the slash made? We find that the discretionary authority would cut the National Institutes of Health research function by $33 million; it would cut the elementary and secondary education program by $95 million; it would take out of the higher education program $100 million. We could go on and on—$45 million from vocational educacation, $22 million from libraries. Are these the programs that the Senate of the United States feels should be cut back?

Most important, a constitutional question is involved here, which is the question of an item veto. The Constitution of the United States does not provide the Executive with an item-by-item veto. He must approve the bill in toto or not at all. Interestingly enough, George Washington, our first President, wanted an item veto and it was not granted. I realize that this is directing the President to exercise an authority, but the effect of it is very much the same. I do not see why we should change this precedent by directing now the President to exercise discretionary authority in a way which circumvents the constitutional mandate in this regard.

As I said earlier, this has been done twice since World War II—once in 1951 and again in 1968. Speaking as a Senator who believes in the preservation of Congress constitutional role, vis-a-vis the Executive, I think that these two actions were mistakes, and I would urge that we not strike out a third time.

I recall that a few moments ago, the Senator from New Hampshire said, in response to a query from the Senator from Hawaii, that the action Congress took in 1968 in giving this authority to President Johnson was cowardly. I agree with him. It certainly was. And I cannot see why it is any less cowardly today, in 1970, than it was in 1968.

Mr. HARRIS. Mr. President, I may have more to say on this subject later, before final action is taken on this bill. But at this point I simply want to register vigorously my opposition to section 411, on page 61 of this bill, which in my judgment is both bad legislation and bad policy.

I think it is bad legislation, and I suppose that almost everyone in the Chamber would agree, for a committee of the Senate to spend long hours in making careful judgments about individual appropriation items and then come along at the last minute and say, "Despite all those judgments we have made, we are not going to stay with those judgments but instead are going to give the President power to override them in certain particulars."

I think that if the Senate wants to appropriate less money than this bill would otherwise provide without section 411, it ought to go ahead and do it straight out. I think we are smart enough and our committees are diligent enough that we can make these judgments in regard to particular items. Not only can we make them, but the Constitution and our system of government require us to do so.

I think that however well intentioned—and it certainly is well intentioned—the authors of this section are, it is not a move that fosters the legislative process working the way it was intended to work.

But, more important, Mr. President, I am vigorously opposed to section 411 of this bill because it is bad policy. Why pick this bill out? Why, when we decide that we are going to cut 2 percent of an appropriation, do we not put that on a bill where there is real money or where the human needs of this country are not most at stake? That is the question before the Senate; that is the question before the country. Why should the people always be the ones who have to suffer—the people who need our interest and our attention most? They should not be the ones to suffer. Those who would be served by this bill, those whose interests are most at stake in the appropriations in this bill for health and education, are not the people who ought to suffer most if we are going to cut expenditures. And by my vote they will not.

Mr. EAGLETON. Mr. President, I should like to address one further clarifying question, if I may, to the Senator from New Hampshire.

As I read the Cotton amendment, section 411, it says in part as follows:

> the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein.

Frequently during this debate we have heard the expression "the 2-percent fund" or "the 2-percent cutoff." I ask this question of the Senator from New Hampshire: As he reads his own amendment, does it not say that the President can spend up to 98 percent of the total appropriation, but he could, if he wanted, spend down to the level of 85 percent? Or, to state it another way, what is in this amendment that will require him to spend at the 98-percent level?

Mr. COTTON. As a matter of fact, it was expressed affirmatively because unless it was a limitation, it would be subject to a point of order.

There is no question that the Senator from New Hampshire was very glad to accept one amendment from the Senator from Missouri because it clarified a point that needed to be clarified. But if the Senator from Missouri thinks there is any question in the minds of either the executive department or the HEW, or anyone else, this is the wording exactly as it is in the House, and it means a 2-percent cut, or if he thinks the President, whether he is a good or a bad politician, can, for a single instant, accept this amendment as authority for him to cut deeper, I think he is raising some strawmen in this case.

Furthermore, he will note that in the amendment, the amendments state that applying this reduction, and that reduction is 2 percent, he cannot reduce any one appropriation which has been changed by another 15 percent.

Mr. EAGLETON. Mr. President, will the Senator from New Hampshire yield further?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. COTTON. I yield.

Mr. EAGLETON. I am not, for one moment, challenging the motives of the President or the Senator from New Hampshire. I am trying to clarify what is meant by section 411. The 2-percent figure appears nowhere in section 411.

The language used is as follows:

> The total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein.

A technical, cautious, careful reading of the amendment causes me to believe, in terms of statutory language, that the President would be prohibited from spending beyond 98 percent of the appropriation but could, in his discretion, cut down as low as 85 percent.

If the Senator from New Hampshire will assure me, because of his firm understanding with the President and the Department of Health, Education, and Welfare, that it is their intention to spend up to the 98 percent of the appropriation and only withhold 2 percent of the total appropriation, I will remain satisfied, despite what I think is the rather inadequate legislative language to accomplish that desired end.

Mr. COTTON. I have already and do give him that assurance, but let me give him a little further assurance that under the language in the amendment, when it says that in the application of this limitation, no appropriation may be reduced by more than 15 percent. Now, instead of that phraseology, another approach would be to give the President authority to reduce by so much, and this was ruled out in the House on a point of order, as legislation in an appropriation bill. If this were so amended, it could be immediately thrown out by the objection of any one Member as legislation in an appropriation bill.

This must be a limitation. It is a limitation. The very expression in the amendment "in applying this reduction" means that it refers to the 2-percent reduction.

I can assure the Senator that there will be no bad faith on this. As a matter of fact, I somewhat regret that the amendment offered by the Senator from Missouri was adopted, because in a way it can complicate the administration of the bill, and in some cases it will be a case of Aunt Jemima's recipe, a pinch here and a pinch there. Under some of the individual appropriations, we hold this provision as a line item to mean that there will be some dispersal and dissipation of the effectiveness of the money, but only in minor instances. However, in the interest of clarity I am happy that we have the amendment.

But on this point, I can assure the Senator he need have no apprehensions.

Mr. EAGLETON. Mr. President, I should like now to speak on the Cotton amendment. I thank the Senator from New Hampshire for his clarifying remarks.

I am opposed to the amendment for an abundant number of reasons, including some of those previously stated by the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), and others who have spoken in opposition.

I should like to make one point, and one point as clearly as I can. In vetoing the HEW bill earlier this year, the President of the United States went on nationwide television with all the drama and the fanfare connected with a Presidential appearance, including the props and the fountain pen with which to sign the veto.

He delivered his speech about the evils of inflation and the necessity to fight inflation by cutting the HEW bill.

As I watched his remarks, one of the more dramatic and, from a forensic point of view, telling arguments the President made in support of his veto was that part which related to impacted aid.

The President stated as follows, and I am quoting from the weekly compilation of Presidential documents, Monday, February 2, 1970, in which the full remarks of President Nixon on radio and television on January 26, 1970, are contained.

I quote the part relating to impacted aid.

Said President Nixon:

> An example of the unfairness of this bill is the Impacted Aid Program which is supposed to help areas which need assistance because of the presence of Federal installations. The bill provides $6 million for the one-half million people who live in the richest county in the United States—

I interject here to say parenthetically that that is Montgomery County, Md.—

> and only $3 million for the three million people that live in the 100 poorest counties in the United States.
>
> President Eisenhower, President Kennedy,

President Johnson all criticized this program as being unfair. And yet the Congress in this bill not only perpetuates this unfair program, it adds money to it.

So spoke the President of the United States on January 26, 1970.

In appearances before committees of Congress, Secretary of Health, Education, and Welfare Finch has denounced and rejected the concept of impacted aid, citing the Batelle report. Secretary Finch has stated that impacted aid was outmoded; that it was overly lavish; and that it favored school districts of affluence, such as Montgomery County, but that it ignored, as the President pointed out, the 100 poorest counties in the United States.

Earlier in 1969, the President was so opposed to impacted aid that his original budget recommendation to Congress was a meager $202 million.

I repeat, the President cited the alleged excessiveness of impacted aid as one of the principal reasons for vetoing what he deemed to be an excessively lavish HEW bill.

What has happened to impacted aid now? What is the President's position today with respect to this program that he alleged to be one of the major contributing causes for his vetoing of the HEW bill? Where does it remain in the final bill? Where does it stand in terms of this agreement which the Senator from New Hampshire has achieved from both the White House and HEW?

Here are the remarks of the Senator from New Hampshire—so precious and so sacred is impacted aid—that he said, "I had it confirmed from the top on this one." With respect to impacted aid, he did not just have to rely on the word of Secretary Finch as he did with respect to other programs such as elementary and secondary school education, guidance counseling, or university construction.

To use the Senator from New Hampshire's language on impacted aid, he said, "I had to get this confirmed from the top." And what did he get confirmed "from the top"? He got confirmed "from the top"—meaning, I presume, the President of the United States—that the White House would go along with the impacted aid program that is in the bill now at $520 million.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. Not at this moment. I will yield in a moment.

The original Nixon budget recommendation was $202 million. And a few weeks ago, in the spirit of compromise—and that is the word that the Senator from Michigan (Mr. GRIFFIN) likes to use—kicking and screaming and hating every minute of it, the President apparently agreed to $440 million for impacted aid.

Now the President of the United States, the man "from the top," goes along with the figure of $520 million for impacted aid.

Mr. COTTON. Mr. President, the Senator used my name. I ask him to yield to me.

Mr. EAGLETON. Mr. President, I yield.

Mr. COTTON. Mr. President, in the first place, I have not had one word of conversation directly with the President of the United States on this subject.

Second, there has been no kicking and screaming.

Third, and more important, and I have the bona fide assurance from those representing the President that in the instances of impacted area funds, Hill-Burton hospital construction funds, in the event the amendment is agreed to and the bill passes and should be signed into law by the President, those funds will not be touched.

The President has not even given them information that he will not veto the bill with the Cotton amendment in it.

So, no one has led the President down the line kicking and screaming. He has made no agreement, other than I am sure he has agreed that if the bill passes with the Cotton amendment in it and is signed into law—and he has this authority—he will not touch those two items.

Mr. EAGLETON. Mr. President, there is no disagreement between me and the Senator from New Hampshire. He said he got it "from the top." I care not whether it was Ehrlichman or Dent or whoever. He has it signed in blood that if this bill is signed and becomes law, not one penny of the $520 million for impacted aid will be touched—not a hair on its head.

The end result is that it has been pledged that the President will live up to that agreement. That is all the Senator said.

Mr. COTTON. Mr. President, the Senator said I had secured an agreement from the President that he would accept it and would not touch these funds.

I have no agreement that he would accept this as a bill with or without my amendment.

I only have from sources that I will guarantee that should the bill pass with my amendment in it and should the President enact it into law and sign it, he would not touch those two funds. And that is all.

Mr. EAGLETON. Mr. President, again I understand the Senator from New Hampshire. If the bill becomes law and is signed by the President, he has the firm irrevocable understanding that he has pledged to the other 99 Members of the Senate that not one dime of impacted aid will be touched.

I am not here to decry impacted aid. Despite some abuses in the impacted aid program, I believe it serves a beneficial purpose. I have supported it. Indeed, a recent amendment of mine was adopted in the Senate which I think further improves the program.

Like everyone else, shortly before Christmas, we marched behind the Senator from Colorado (Mr. ALLOTT) who tried to put $65 million additional into the impacted aid fund. The Senator from Colorado (Mr. ALLOTT) led the charge. I followed his leadership. The Allott amendment was adopted by a lopsided 73–9 vote.

Mr. President, I realize that there is considerable constituency for impacted aid.

But what I regard and what I think is hypocrisy is to go on the national television networks as the President of the United States and tell the people of this country that the HEW bill is inflationary and cite that as one of the more cogent and convincing reasons for vetoing the impacted aid program and cite the very rich county that receives $6 million of impacted aid—to do all of this, and then to turn around 1 month later and agree to fully fund the very program which he, the President, had earlier condemned.

President Nixon made a convincing appeal on television. He said that 100 poor counties are getting nothing out of impacted aid. He said:

That is wrong. And that is one of the reasons, my fellow citizens, why I am vetoing this bill.

After making that convincing television pitch to the American people, we now find that this allegedly sinister, inflationary, inequitable impacted aid is not $202 million as President Nixon originally requested, not $440 million as he later agreed to, but now $520 million. Furthermore, from "on top" we find that it is untouchable.

I think that this is inconsistency at its highest. It is political hypocrisy. I cannot, for the life of me, comprehend how a program President Nixon viewed as almost sinister or evil in January 1970 becomes a sacred, untouchable program 1 month later.

For this and other reasons, I will vote against the Cotton amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MURPHY. Mr. President, I have enjoyed listening to the colloquy very much indeed. I compliment my esteemed colleague, the Senator from Missouri, on his most forceful performance.

I should like to point out that it has been well known that five Presidents of the United States have been in disagreement with the formula for impacted aid—not with the principle of impacted aid or the need—but with the formula. I believe it is a bad formula.

This year, as the esteemed Senator knows—as he is on the committee—there was an attempt even to push this formula further out of proper usage. There was a proposal before the committee that would put all low family income housing under the impacted aid formula.

The impacted aid formula at the outset was made very necessary by the movement of military installations which took so much potential tax land off the local tax rolls.

I have one area, China Lake, in my State which is 100 percent federally impacted by military. Obviously, impacted aid funds for this and other heavily impacted districts is a matter of survival. I have another district, Travis Unified District, where impacted aid assistance represents 49.13 percent of the total current expenses.

There have been many of us who believe the formula can be improved, and hope to review changes in it in the near future.

Certainly the esteemed Senator knows that I was always—almost to the place where I got tired of hearing myself—have consistently insisted on the importance and need for the program. At the same time there are areas where this formula works improperly. Actually, the

area where the Secretary of Health, Education, and Welfare lived, when he lived in California, came under impacted aid. It is one of the richest areas in the State, and actually did not need it.

It is an irresistible attempt to take advantage of some existing Federal conditions of help.

To accuse the President of hypocrisy disturbs me greatly. I do not think my colleague really intended that. I think in the emotion of his argument he may have been carried away by the vehemence of his own rhetoric.

I assure the Senator I have had the great privilege of knowing the President for some 30 years, going back to before the time when he was a Member of Congress. There have been attempts to attack him on all sorts of grounds, but over the years I have found him to be very honorable and trustworthy. I was never concerned from the beginning that the impacted areas that properly needed attention would not get that full attention from the President. The remarks by the Senator from New Hampshire which have been made here, reflect completely an effort to bring into balance a budget that we must balance. I do not think that all the histrionics in the world will change the fact that one of the most serious and most dangerous problems we must face, whether we like it or not is inflation, inflation which was unfortunately taken up as a way of life which was considered a new approach, but which has gotten us into serious trouble.

When I was campaigning 5 years ago I used to say that a little inflation was like a little diphtheria in that it could not hurt you very much but if it got out of control it could kill you.

This is the condition we now fear and it must be cured.

This is what the President is trying to do now, and whether it is done with this bill or other bills, he is trying to slow down this wild inflationary spiral which threatens to destroy our permanent values and create havoc with the economy of our country, and cause a condition that could make all that we have worked for so hard disappear.

I think the conditions of this amendment are a reflection of a man who is a man of compromise, who is trying to find the best possible means under existing circumstances, and who in keeping with his stated political intentions, and an honest approach to the problem, is trying to proceed on a sound basis, and do what is needed and is just, I think he understands this.

I have discussed the matter with the Secretary of Health, Education, and Welfare, whom I have known for many years also and for whom I have great respect. There have been times when he has been criticized for doing things he thought were right.

I think the outlook with respect to the possibility of accomplishing our joint purposes are better today than they were 6 months ago and conditions are sounder today than they were 5 years ago when I first came here.

Mr. President, I hope my distinguished colleague, even though he felt inclined to vote against this amendment, would at least look at it calmly in the light of the intention, calmly in the light of the conditions, and calmly in the light of what we, the elected representatives of our several 50 States are here attempting to do; and not to make what might be misconstrued as a political attack on some adversary, not to make what might be construed as an emotional appeal. This is the consideration of this amendment; it is a good consideration; and it is one that will accomplish, I believe, what we all wish to achieve.

Therefore, I urge my distinguished colleague to really commune with himself calmly for a minute or two and see if he cannot see the logic and reason of the Senator from California's argument and possibly we could join together in voting to agree to the amendment, which in my opinion, given the situation we are in, is a sound amendment and one which I sincerely hope will be accepted by the Senate.

Mr. EAGLETON. Mr. President, although the Senator from California and I may have our political and philosophical disagreements, we have no personal disagreements. I respect the Senator's comments. However, I feel quite as strongly about this matter as I did before.

Mr. MURPHY. I thank my distinguished colleague. I know that sometimes we seem to disagree politically, in reflecting upon our voting records. Philosophically I do not think we have had a chance to discuss it but I look forward to the opportunity.

Mr. YOUNG of North Dakota. Mr. President, the mood of Congress seems to vary from month to month and from season to season. Last July 22, 1969, we passed Public Law 91–47 in which we required the President to cut expenditures $1 billion below his overall budget of $192.9 billion.

Public Law 91–47 reads in part as follows:

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000 budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages E2993–2996 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the Review of the 1970 Budget."

Mr. President, I ask unanimous consent that all of title IV of Public Law 91–47 may be printed in the RECORD.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages E2993–2996 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the "Review of the 1970 Budget".

(b)(1) In the event the President shall estimate and determine that expenditures and net lending (budget outlays) during the fiscal year 1970 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing on page 16 of the budget for such fiscal year (H. Doc. 91–15, part 1, Ninety-first Congress), namely:

(i) items designated "Social security, Medicare, and other social insurance trust funds";

(ii) the appropriation "National service life insurance (trust fund)" included in the items designated "Veterans pensions, compensation, and insurance";

(iii) the item "Interest"; and

(iv) the item "Farm price supports (Commodity Credit Corporation)"

will exceed the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against expenditures and net lending) during the fiscal year 1970 derived from:

(i) sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, the Veterans' Administration, and the Small Business Administration; and

(ii) leases of lands on the Outer Continental Shelf will be less than the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed $2,000,000,000.

(c) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of

this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the Ninety-first Congress, and at the end of each calendar quarter thereafter.

Mr. YOUNG of North Dakota. Mr. President, I voted against this. I was one of the few Members of the Senate who voted against it because I thought it impossible for the President to reduce his budget below $192.9 billion.

Here we are in Congress just a few months later insisting that the President not only spend the full amount of his budget but much more.

In 1968 we passed a provision requiring President Johnson to cut his budget by $6 billion. This was an item veto.

Mr. President, I ask unanimous consent to have printed in the RECORD section 202, "Reduction of $6 billion in expenditures during fiscal year 1969," from the Revenue and Expenditure Control Act of 1968, Public Law 90–364.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Sec. 202 Reduction of $6 billion in expenditures during fiscal year 1969

(a) Expenditures and net lending during the fiscal year ending June 30, 1969, under the Budget of the United States Government (estimated on page 55 of House Document No. 225, Part 1, 90th Congress, as totaling $186,062,000,000), shall not exceed $180,062,000,000, except by expenditures and net lending—

(1) which the President may determine are necessary for special support of Vietnam operations in excess of the amounts estimated therefor in the Budget,

(2) for interest in excess of the amounts estimated therefor in the Budget,

(3) for veterans' benefits and services in excess of the amounts estimated therefor in the Budget, and

(4) for payments from trust funds established by the Social Security Act, as amended, in excess of the amounts estimated therefor in the Budget.

(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

Mr. YOUNG of North Dakota. Mr. President, my reason for bringing up this matter is to indicate these laws we passed previously are far more of an item veto than the provision that is in the bill today offered by the Senator from New Hampshire (Mr. COTTON).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I rise with respect to the Cotton amendment, primarily to raise some questions to which I hope to call the attention of the Senator from New Hampshire.

I have before me some figures that I have been assured are reliable. They show the potential impact of the Cotton amendment on some of the items in the appropriation bill. They suggest some conclusions that I would want to modify if my basic information is incorrect. So I am happy to see the Senator from New Hampshire on the floor for the purpose of checking my figures.

As I understand the potential impact of the Cotton amendment, it is this: one, that impacted-aid programs will not be affected; and two, that the Hill-Burton hospital construction funds will not be affected.

Am I correct?

Mr. COTTON. That is correct.

Mr. MUSKIE. That would appear to leave 18 other items—I do not know whether it is technically accurate to refer to them as line item appropriation matters—from which the 2-percent reduction is to be made.

As I understand the intention of the administration, the impact would be as follows. I would like to go through these 18 items. I think the Senator has on his desk a copy of the sheet which I have.

Mr. COTTON. Yes, I have. I would rather follow on my own, although there are in my own now three items that have to be corrected.

Mr. MUSKIE. Let me take the Senator through this sheet. In order to explain its organization, first let me say that there are 18 items, ranging from air pollution control to mental health facilities construction.

Mr. COTTON. Yes.

Mr. MUSKIE. There is a column of figures which is headed "Vetoed bill," representing the figures provided for the items in the vetoed bill. Another column has the House figure. The third column has the Senate figure without the Cotton amendment. The fourth column is the Nixon budget request. The fifth column has the Senate figure after the Cotton amendment is applied. Then in the last column is the percent of capitulation which the Cotton amendment would represent in the sense of reducing the Senate appropriations toward the Nixon budget.

If I am correct in the analysis which this chart represents, in 11 of these items there would be a 100-percent capitulation on the part of the Senate to the Nixon budget request. In those 11 instances, the effect of the Cotton amendment is to adopt the Nixon budget figure.

With respect to the other seven items, one would represent a capitulation of 70 percent, three others of 50 percent, and three others of 15 percent.

If any of these figures are incorrect, I shall be glad to have the Senator comment at this time. I understand, because of the computations involved, the Senator may not have been able to check accurately.

Mr. COTTON. I would like to call attention to two or three figures. The Senator is talking about a 50 percent cut in elementary and secondary education from the original budget. Is that correct?

Mr. MUSKIE. No. I am referring to a 50-percent reduction in the difference between the Nixon budget request and the Senate appropriation after the application of the Cotton amendment. In other words, these percentages are percentages of the difference between the Nixon budget request and the Senate appropriation after the intended application of the Cotton amendment, so that all of these figures are well within the 15 percent limitation.

Mr. COTTON. As a minor matter, I might point out that my sheet does not go from air pollution control to mental retardation. It goes from air pollution control to mental retardation to child welfare. In other words, I find some items missing on the distinguished Senator's list.

Mr. MUSKIE. I also have before me the sheet that the Senator has.

Mr. COTTON. Yes.

Mr. MUSKIE. Which represents a total reduction.

Mr. COTTON. Some of them are bunched.

Mr. MUSKIE. I see. I had only these.

Mr. COTTON. May I see the sheet? No, I do not have that sheet. May I take the Senator a copy of my sheet? This contains the appropriations as the budget officer went over them with me, and we worked on them.

Mr. MUSKIE. May I continue with what I started to say? I have another sheet.

Mr. President, I ask unanimous consent that the chart to which I have been addressing myself and another chart be printed in the RECORD at this point in my remarks.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I note that the distinguished Senator has made no reference at all to the items in title 1 in this bill or in title 3 in this bill other than those that are exempted from the Cotton amendment, and all of which are subject to the cut. Was that by intention, or what was the purpose?

Mr. MUSKIE. Mr. President, may I give the Senator the basis of the information I am discussing here and asking questions about?

The second chart which I have asked to be placed in the RECORD, and which I shall be glad to show to the Senator, is one I obtained from the committee staff when I inquired if the staff had any information as to the items which the administration planned to cut if the Cotton amendment were to become law. This is the summary that I was given as the probable impact of the Cotton amendment if it were applied.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I want to make it clear that I think the Senator has still overlooked the fact that the Cotton amendment applies to titles 1 and 3 of the bill, as also to title 2. All of the reductions do not have to be made out of the HEW appropriation. That is the point I am making.

Mr. COTTON. And also Labor.

Mr. HOLLAND. Title 1 is Labor. Title 3 is related agencies, such as OEO and many other which are in title 3.

It would be completely improper to assume that all of the cuts would be made out of HEW. That is the point I am making.

Mr. COTTON. I will say to the Senator that, so far as the information furnished me is concerned, and apparently the information furnished the staff of the committee, it indicates that all the cuts will be made out of HEW.

Mr. MUSKIE. Mr. President, may I get approval of my request that these sheets be included in the RECORD?

The PRESIDING OFFICER. Is there objection?

There being no objection, the sheets were ordered to be printed in the RECORD, as follows:

Appropriation	Vetoed bill	House figure	Senate figure without Cotton	Nixon budget request	After Cotton amendment	Percent capitulation
Air pollution control	$108,800,000	$108,080,000	$108,800,000	$95,800,000	$102,800,000	50 percent.
Mental health	44,975,000	44,975,000	44,975,000	44,975,000	38,675,000	15 percent.
District of Columbia medical facilities	10,000,000	10,000,000	10,000,000	----------	8,500,000	15 percent.
National Institute of Arthritis and Metabolic Diseases	146,334,000	146,334,000	146,334,000	137,668,000	137,668,000	Total.
National Institute of Neurological Diseases and Stroke	106,978,000	106,978,000	106,978,000	101,256,000	101,256,000	Total.
National Institute of Allergy and Infectious Diseases	103,694,500	103,694,500	103,694,500	102,389,000	102,388,500	Total.
National Institute of General Medical Sciences	164,644,000	164,644,000	164,644,000	154,288,000	154,288,000	Total.
General research and services	76,658,000	76,658,000	76,658,000	69,698,000	69,698,000	Total.
Health manpower	234,470,000	234,470,000	234,470,000	224,220,000	218,939,000	Total (+).
Dental health	11,722,000	11,722,000	11,722,000	10,887,000	11,722,000	Total.
Elementary and secondary education	717,036,700	638,553,700	638,553,700	460,578,700	542,853,700	50 percent.
Instructional equipment	48,740,000	43,740,000	43,740,000	----------	37,240,000	15 percent.
Education professions development	107,500,000	107,500,000	107,500,000	103,750,000	103,750,000	Total.
Higher education	871,874,000	871,874,000	871,874,000	771,774,000	771,774,000	Total.
Vocational education	488,716,000	391,716,000	391,716,000	347,216,000	346,096,000	Total.
Libraries and community services	148,881,000	148,881,000	148,881,000	117,700,000	126,581,000	70 percent.
Education for the handicapped	100,000,000	100,000,000	100,000,000	91,850,000	91,850,000	Total.
Mental retardation, construction	37,000,000	37,000,000	37,000,000	33,000,000	35,000,000	50 percent.

Only change was the adoption of a general provision by Senator COTTON which cuts back the amount available ($19,381,920,200) by 2 percent.

If the 2 percent remains in the bill, certain reductions totaling $347,296,000 will be made as follows:

	Reduction
Air pollution control	—$6,000,000
Mental health	—6,300,000
District of Columbia medical facilities	—1,500,000
National Institute of Arthritis and Metabolic Diseases	—8,666,000
National Institute of Neurological Diseases and Stroke	—$5,722,000
National Institute of Allergy and Infectious Diseases	—1,306,000
National Institute of General Medical Sciences	—10,356,000
General research and services	—6,960,000
Health manpower	—15,531,000
Dental health	—835,000
Elementary and secondary education	—95,700,000
Instructional equipment	—6,500,000
Education professions development	—3,750,000
Higher education	—$100,100,000
Vocational education	—45,620,000
Libraries and community services	—22,300,000
Education for the handicapped	—8,150,000
Mental retardation, construction	—2,000,000
Total reduction	—347,296,000

Mr. MUSKIE. Mr. President, may I first respond to the Senator from Florida? My understanding is exactly as stated, that the Cotton amendment could apply to all those sections of the appropriation bill to which the Senator from Florida has referred, and it is not my desire to misinform the Senate with respect to that. But I speak here this afternoon to try to get as much information as I can as to the impact of the Cotton amendment, because the kind of discretion it gives to the President creates a concern on the part of the Senator from Maine as to what the application of that discretion might be—if we can ascertain any intention at all on the part of the administration.

It was on that point that I approached the committee staff and was given the second chart which I have put in the RECORD, and of which the Senator from New Hampshire, I am sure, will say conforms pretty closely, if not identically, with the information he received from the same sources and for the same purposes.

Mr. COTTON. Mr. President, it has some items bunched. They are not separated by items, and in view of the change in the amendment a few moments ago, at the suggestion of the Senator from Missouri, they have to be separated even more. I can deal with them in the detail which I have and with which I am familiar, and the cuts, but I find myself a little at a loss to deal with them accurately as they are bunched together.

Mr. MUSKIE. I think we may discuss the chart in detail just to point out a few illustrative examples which might be helpful.

Mr. HOLLAND. Mr. President, if the Senator will yield again, I think the second list represents the statement made to the distinguished Senator from New Hampshire, if I understood it—and I listened quite attentively in the meeting of the Appropriations Committee—which was made up by the Secretary of Health, Education, and Welfare as representing the recommendations and suggestions that he would make to the Executive for cuts, if he were requested to do so.

It never entered my head that this was to represent the total of the cuts to be made, because I think that, coming at this time in the year, with 8 months already behind us, there are various items in title III, of related agencies, and also various items in title I, which deals with the Labor Department, which are susceptible to being cut in relatively small amounts, that would add to the total of the reduction as against this bill.

We have no information at all, at least the Senator from Florida has no information, as to what may be the expectation of making any cuts as against those items.

Under the Cotton amendment, permission would be given, in making the total reduction, to cut up to 15-percent against all of those items in title I and title III, except those that are exempted under the Cotton amendment, specifically by its terms, such as the Railroad Retirement Board and other matters. I shall not name them; the amendment shows what they are.

So it was never within the mind of this Senator, nor I believe of the committee, that the second list, placed in the RECORD by my distinguished friend from Maine, covered anything else than recommendations which were to be made by the Secretary of Health, Education, and Welfare in the event he was requested by the executive to apply this amendment to his department, and by no means would the executive be bound to look solely to this Department for the making of the total reduction.

That is the point I wanted to make.

Mr. MUSKIE. The Senator's comments are very helpful to me in explaining what was in his mind with respect to this bill. Nevertheless, what concerns me is that the 18 items to which we are referring now have been in particular controversy as between the administration and Congress. There has been some indication, certainly—how strong it is, how definitive, or how binding I do not know—in the committee and perhaps elsewhere, that these are the 18 items which may be targeted for cuts if the Cotton amendment were agreed to. Those of us in the Senate who are concerned about the potential impact of the Cotton amendment can and I think should appropriately look at what we have been told with respect to the possible impact on these 18 items.

For example—and this may be one that is lumped together in the list of the Senator from New Hampshire——

Mr. COTTON. No; mine were not lumped together. I have 30 items on my list.

Mr. MUSKIE. I have 18. For example, it is indicated here that higher education would be cut $100 million if the Cotton amendment were adopted. That would be a cutback to the original Nixon budget request, or, in other words, a 100-percent capitulation on the part of the Senate to the President—if this information, which is the basis of my question, is correct.

Mr. COTTON. Well, the information is not correct. It is my fault, I suppose, but that item could not be cut to that degree. It can be cut, probably, by $100 million, but not in accordance with the information afforded by HEW to me, because there was a misapprehension about the line items.

So, may I say to the Senator from Maine——

Mr. MUSKIE. Incidentally, these figures are figures given to be before the Eagleton amendment was agreed to. So it may need some clarification on the basis of the Eagleton amendment.

Mr. COTTON. That is right. Perhaps I used poor generalship, whether we were in combat or in controversy, by shooting straight from the shoulder; but I felt the Senate was entitled to every bit of information I had as to where these cuts

were likely to be applied, as recommended by the Department, and I gave that information.

It is perfectly true that what I have before me as a chart has first the amount originally in the House bill and second the proposed reduction under the present House bill. It is certainly relevant, and it is certainly proper, that the Senator from Maine should go back and compare it with the original budget request of the President. That is highly proper, but I do not know that I can—I do not share that information on my chart.

Mr. MUSKIE. I see. Well, the Senator may have an opportunity later——

Mr. COTTON. But I have the amounts here—not the percentages but the amounts—and I take it that the chart prepared by the distinguished Senator from Maine is fairly accurate, although it appears that certain items may be grouped differently than on mine.

I have to answer the questions from my information rather than on his basis, and perhaps we will be working at cross-purposes.

Mr. MUSKIE. Let me first list the 11 items in this chart which show a 100-percent capitulation on the part of the Senate to the budget request. They are the National Institute of Arthritis and Metabolic Diseases, the National Institute of Neurological Diseases and Stroke, the National Institute of Allergy and Infectious Diseases, the National Institute of General Medical Sciences, general research and services, health manpower, dental health, education professions development, higher education, vocational education, and education for the handicapped.

Mr. COTTON. May I interrupt the Senator a moment?

Mr. MUSKIE. Yes.

Mr. COTTON. If the Senator wishes to call it a capitulation on the part of the Senate as to the particular items the Senator has read so far—at least, I have followed him through the various Institutes of Health—the President could apply the reduction and come out with exactly the same figure which he had offered the Senate as to those particular items in his compromise offer to Congress of February 2, after the veto, when he wrote to the Speaker of the House and said how far he is prepared to go.

Mr. MUSKIE. The Senator is correct; I am glad to have that clarification.

Mr. COTTON. I would hasten to add, however, that before the Senator terms that a capitulation on the part of the Senate, there are other items in the Institutes of Health. He does not touch heart, stroke, and cancer research, and so on. So as to those individual items the Senator is perfectly correct, so far as he has read them, that the President could apply 2 percent, so that he would be back to his February 2 offer. On the other hand, he has got to find a lump sum of $232 million over his offer that he has to leave untouched.

Mr. MUSKIE. I understand. Perhaps we ought not to go into details until the Senator from New Hampshire has had a chance to check other items for accuracy. There were 11 items that added a total reduction to the President's February 2 figure; one that represented a 70-percent reduction from the February 2 figure; three that represented a 50-percent reduction from the President's February 2 figure; and three that represented a 15-percent reduction from the February 2 figure.

Inasmuch as the impacted aid provision will not be affected by the Cotton amendment; and inasmuch as Hill-Burton funds will not be affected; inasmuch as 11 of the 18 items that appear to be areas of cutbacks under the Cotton amendment represent increasing the President's figure of February 2; it seems to me the Senate would be well advised to make an educated guess from this chart. Rather than adopting a formula which leaves the Senator from Florida (Mr. HOLLAND), the Senator from New Hampshire (Mr. COTTON), the Senator from Maine, and other Senators in doubt as to where cuts will be made and what the impact will be, the Senate would be well-advised to exercise the appropriation function that is ours and either approve the cuts or insist on the Senate figure, and let the President work his will on the total package? In other words, an amendment that purports to give the President discretion when applied to the facts as we understand them at this moment involves no discretion at all.

We have 13 items that we can predict are going to stand in accordance with figures now in our possession, and the others will stand pretty close to that.

So it seems to me that we would serve ourselves better, we would solve the cause of public information better, and we would give the country a better picture of the impact of what we are doing, if we were to refuse to deal with a formula of this kind, with cloaked results—and I do not use the word "cloak" in any way invidious with respect to the Senator's motivation. What the Senator is trying to do is to work out a formula to avoid an impasse between Congress and the President.

Mr. COTTON. Yes.

Mr. MUSKIE. That is a perfectly laudable objective. But I do object seriously that we use this means to do it. First of all, it leaves the result uncertain. Second, I think it is an abdication of an appropriations function that is ours and that we ought to exercise one way or another.

If we know, for example, that the result of this amendment will be to reduce these 11 items to the budget figure, why do we not here say that the budget figure is good enough for us, that we will adopt it, and that we will send those down to the White House without further controversy? If we do not agree with that—and, having understood it, we may not—then let us say so. Why cloak as a discretionary matter something the result of which is pretty far gone, as I see it at this moment?

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. COTTON. There is much logic and cogency to what the distinguished Senator has just observed, as there always is to his observations in this body.

However, as a practical matter, in the first place, these are not cut-and-dried figures. As I recall, there are approximately four or five items indicated that are not going to be touched. The only two that are cut and dried are the impacted areas and the Hill-Burton funds. That has been agreed to, and we have that guarantee.

May I say to the distinguished Senator from Maine that there were members of the Appropriations Committee on both sides of the aisle who in discussing my amendment said exactly what he has said: Let us go ahead and make our own reductions. Let us decide. If there is a possibility or reasonable likelihood that this would be reduced by 2 percent, the overall bill, with the exception of social security, railroad retirement, and such funds, that the President would then sign the bill, and that we would get action, that is fine. And, rather than leave it for the President and HEW to dicker around and see what they will do on it, let us do it ourselves. That is precisely what the Senator from Maine is saying.

That sounded logical, but difficulties were involved. We could not even get to the bottom of all the difficulties; and I can assure the Senator that, for my part, I have worked harder over a period of the last few days than at any other time since I have been on the Hill—far into the night—with the aid of budget officers.

In some cases, the expenditures in certain items—and it is even more so since we got the thing tied up with the suggestion of the Senator from Missouri—are funded already. They cannot be cut. They are obligated. Other items are in an entirely different category. As a matter of fact, HEW has gone all over this. I asked them if they could live with the 15 percent limitation in my amendment, so that no single item could go below that.

They got it all worked out, and I now find that it is faulty, because in three instances they were group appropriations, and this goes to line items.

The point is that with this distinct limitation they still will have to do some refining and careful and painstaking analysis before they can apply the 2 percent. So that the figures I have are as near as possible—and they are presented honestly—to what they are striving to do, but they may not be able to do it. If we attempted to do on the floor of the Senate—what we utterly failed to do in the Appropriations Committee, when we were trying to bring about exactly what the Senator from Maine has suggested—I think the result would be chaos.

The Senator might well come back and say, "Then, drop your amendment, because your amendment is so impossible that if it is passed on to the President and to the department this task cannot be accomplished, either in the Appropriations Committee or on the floor of the Senate, there is no validity to the amendment." But there is validity to it because, one, it makes the President concede from his own programs the sum of $232 million, in order to meet us somewhere near halfway; and he has to concede and add to what he offered on February 2, $347 million. He has to add to his appropriations, and he also has to reduce; and it requires some long pains-

taking work, even when we are trying to correct three places in here that turned up since the change from appropriations to items. My answer is this, and then I will get out of the Senator's way so that he can make his case, which is a strong case.

My answer is: As the Senator said, the problem of the Senator from New Hampshire is trying to get something that would not cripple any of the programs, at the same time that we could get the House to be satisfied with and have it signed into law. There is a good chance my amendment would do this.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Maine yield to me for a moment?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Maine yield to the Senator from Montana?

Mr. MUSKIE. I yield.

Mr. MANSFIELD. I was trying to see whether it would be possible to set a time limitation to vote at a time certain on the pending amendment. How much time does the Senator from Maine desire to speak further?

Mr. MUSKIE. I think just 3 minutes more would do.

Mr. MANSFIELD. Does anyone else wish to speak?

Mr. HOLLAND. I wish to speak for 15 minutes.

Mr. MAGNUSON. The Senator from Wyoming wishes to speak.

Mr. HANSEN. Yes, 4 or 5 minutes will do.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote on the pending committee amendment occur at 3:30 o'clock today.

The PRESIDING OFFICER (Mr. COOK in the chair). Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object, I want to be sure that everyone here who wants to talk will have that opportunity.

Mr. MANSFIELD. The Senator from Maine wishes to speak for 5 minutes, the Senator from Wyoming 4 minutes, and the Senator from Florida 15 minutes. We have been in session since 10 o'clock this morning.

Mr. HOLLAND. Mr. President, there were a goodly number on the Appropriations Committee who voted for the Cotton amendment who are not now in the Chamber. I do not know whether they want to speak or not. I voted for it. I want to speak on it for around 15 minutes, but there may be others that may wish some time to speak. I do not wish to hold up the Senate. I am as anxious to get through with this thing as anyone else; but I want any Senator who wishes to be here to have that same opportunity.

Mr. MANSFIELD. They will have that opportunity. Senators know that a time limitation or a time certain to vote has never been given without that opportunity first being considered. It has always been understood that Senators who could not be here but want to speak on a subject would be given an opportunity. That will always be the case.

Mr. SCOTT. I am sure that the joint leadership can give that assurance.

Mr. MAGNUSON. With that assurance, I have no objection.

Mr. COTTON. Could we not be assured that they will come in at 3:30?

Mr. MANSFIELD. The Senator can be practically assured of that, yes.

Mr. COTTON. But if we go through to 4 o'clock or 4:30 o'clock, I know that we are going to go a lot longer than that. The proponents of my amendment have not taken up all the time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to the Senator from Montana?

The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Maine (Mr. MUSKIE) such time as he desires.

Mr. MUSKIE. Mr. President, following the colloquy I have had with the distinguished Senator from New Hampshire, I should like to state my objections to the Cotton amendment in these terms:

First, I think it is an undesirable technique for delegating or surrendering some part of our appropriations responsibility to the White House.

Second, as it is presently framed, its results will be uncertain, even if we accept the opinions of the most optimistic who support the amendment. To those who are pessimistic about it, its results are all too certain.

Third, the distinguished sponsor of the amendment himself is so concerned about its application to those programs in which he had a special interest, that he undertook to get the administration's assurance with respect to those programs; namely, impacted aid and hospital construction—two worthy programs.

But the uncertainty of his own amendment and its application prompted him to get assurance.

May I say, Mr. President, that the results of that assurance to him leads to my next point; namely, that the full impact of his amendment will inevitably force cuts in the 18 items which I have described this afternoon—the very areas of human need, health and education, which have been in the area of controversy as between the President and Congress since this issue first arose in December of last year.

That issue is clear cut. It has been out in the open since that time. I think that the place to decide it now is out in the open, on the Senate floor, and not in the President's office in an anonymous, not fully revealed exercise of the Executive pen.

These very programs that are likely to be cut back fully to the Executive's recommendations are the programs that seem to be in the direct line of fire of the Cotton amendment.

That issue should not be decided in any ambiguous way. It should be decided clearly here on the floor of the Senate.

For that reason, Mr. President, I oppose the Cotton amendment, with all deference to the motives of the distinguished Senator from New Hampshire.

Mr. HANSEN. Mr. President, I appreciate the presence of the Senator from Missouri in the Chamber. I wish to respond, in part, to some observations he made a little while ago.

First of all, if my memory serves me correctly, I think that the Senator from Missouri was one of those who voted to increase aid to impacted areas. I ask my distinguished colleague from Missouri if I am not correct about that.

Mr. EAGLETON. Yes. I so stated in my remarks. I said that I followed the leadership of the Senator from Colorado (Mr. ALLOTT) who led the charge for more money.

Mr. HANSEN. Mr. President, I appreciate the fact that the Senator from Missouri recognizes the wisdom of following the lead of my distinguished colleague from Colorado (Mr. ALLOTT).

Let me say that I was somewhat surprised over the remarks made by my very good friend from Missouri, that the President of the United States not only vetoed the bill, not only availed himself of nationwide television coverage to veto the bill, but even went so far as to use props—and that one of the props he used to sign the veto bill was a pen.

I can assure the Senator that I appreciate the fact that the President was going to some lengths, with props, to use a pen to sign the veto message.

Mr. President, the President of the United States was also characterized as one who was forced to take this tack, kicking and screaming—I think those were the words used by my distinguished colleague from Missouri.

I would suggest that as he reads back the record, I suspect he may think his characterization of the President's action was his own interpretation and not literally a reflection of the actions of the President, because I do not believe very many people saw the President actually being forced to acquiesce to this program kicking and screaming.

The Senator from Missouri speaks of the "hypocrisy of the President." I think we can disagree on issues, and most certainly the distinguished Senator from Missouri has every right to disagree with our President, but I think it is one thing to disagree and another thing to launch a personal attack upon the President.

I suggest that when he refers to the "hypocrisy of the President," it seems to me that he is characterizing the President's actions as he would like to interpret them and not as I think they deserve to be interpreted in the light of what the President said.

Let me read, in order that the record may be set fully straight, what the President of the United States said in his message of yesterday, February 26. This is a message to the Congress from the White House:

I propose reduction, termination or restructuring of 57 programs which are obsolete, low priority or in need of basic reform. These program changes would save a total of $2.5 billion in the fiscal year 1971. Of this amount, $1.1 billion saving require Congressional action—roughly the equivalent of the amount by which the 1971 budget is in surplus.

No government program should be permitted to have a life of its own, immune from

periodic review of its effectiveness and its place in our list of national priorities.

Too often in the past, "sacred cows" that have outlived their usefulness or need drastic revamping have been perpetuated because of the influence of special interest groups. Others have hung on because they were "too small" to be worthy of attention.

At a time when every dollar of government spending must be scrutinized, we cannot afford to let mere inertia drain away our resources.

These are the words of the President of the United States in the message he sent to Congress yesterday.

I continue reading from the message of the President of the United States:

Some of these programs are the objects of great affection by the groups they benefit. But when they no longer serve the general public interest, they must be repealed or reformed.

No program should be too small to escape scrutiny; a small item may be termed a "drop in the bucket" of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

I suggest that what the President tried to say here is, while some people may say these words reflect the hypocrisy of the President, he is being forced to make an accommodation on the bill. He was not kicking and screaming.

He is aware of the concern of the people over the inflationary pressures. The people want very much to have our budget brought as nearly in balance as it can be.

The President continues:

I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70% of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will re-allocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

When the President submits a program, and says what he is willing to do, I think he is being honest and fair and forthright with the people of this Nation. We must get some bill passed. And if he has been willing, as he has indicated, to go above the limit he first suggested, it is not to imply that he is hypocritical. Rather, it would imply that he recognizes the fact we must make some accommodation to get essential legislation enacted.

I am not talking only of Federal aid, but of all other aid. We must get a bill passed. Those who cry out against the President of the United States ought to ask themselves whether they are the obstructionists, or whether the President of the United States is the obstructionist.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. HOLLAND. Mr. President, I supported in committee the amendment of the Senator from New Hampshire. And I support it here.

I first suggested that we do exactly what has been suggested by the Senator from Maine here—that we reduce the matter to handling each line item and making a reduction in those line items that we thought should be reduced.

I found then, Mr. President, that the task was simply impossible of completion within the time limit by which we were confronted with. In the first place, we did not know how much had been committed under the continuing resolutions on the many items of appropriation involved in the bill. And it was absolutely necessary to find out how much had been committed and how much had been spent before we could go into a reduction item by item in the many items in this very difficult bill that has been so ably handled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON).

So, we looked at every other method that seemed available. Then I became convinced that the method suggested by the Senator from New Hampshire was the only method by which we could solve the impasse with which we were confronted. We did not want to have an irresistible force meeting an immovable body in this matter, with 8 months of the fiscal year having gone behind us, and when we are approaching the end of the fiscal year covered by the bill.

We were trying to find some reasonable basis of compromise between the position of the executive and the position of the legislative branch as shown by the original bill passed by Congress.

The Senate will remember that I voted for the original bill and announced on this floor that I was prepared to vote to override the President's veto if the matter came here.

I did that because I felt that with the savings of some $6 billion in the defense bill and the foreign aid bill, Congress, representing the people, certainly had a right, looking at the domestic field, to assign a small portion of that, as is done by this bill, to objectives which we regard as having great priority, such as those in the field of health, education, and welfare.

Mr. President, the fact is that we were assigning to these fields about one-fifth of the total savings from the two bills which I have mentioned—the defense bill and the foreign aid bill.

But, Mr. President, after the President had vetoed the bill, and after it was sustained with many votes to spare in the other body, I tried to be a little practical about this matter and tried to see what we could do by way of reaching a compromise. The President had evidently thought of the matter in somewhat the same line, because he had already suggested that he was ready to come up from his budget figure—as I recall it—$449 million, though there was some reduction also from his budget figures which would have reduced the total increase well below the $449 million.

He did suggest a compromise. And the House had a compromise in the passage of the bill they have sent to us, but nothing like a 50–50 compromise between the position of the executive and the position of the legislative branch.

The Cotton amendment changed in shape. It first came in with a proposal for a maximum reduction of the various items, considerably larger than the maximum of 15 percent which is in the pending bill.

It came in without our being given an assurance in the beginning that there would be no reduction in the impacted school district appropriations and in the hospital construction areas, which assurance we were given later and which has been given on the floor today. We had been given, by statements made by the President, assurance that in such items as cancer research and heart research there would be no reduction from the congressional bill, which in each instance had stepped up the budget items.

So, we were approaching a compromise, and the Senator from New Hamphire—to whom I wish to pay great tribute in this matter—worked practically all day and night, and practically all of the weekend in the effort to come up with a sounder figure. When he came up with this figure and the concessions from the executive that there would be no touching of appropriations for impacted school districts, which had been relied upon in making budgets for the schools months ago, for hospital construction, for cancer institute research, and for heart institute research, the committee, with a few additional changes, worked out the matter so that the vote in the committee to approve the Cotton amendment was 15 to 7.

I want to say to my friends on this side of the aisle that more than half of

the members of the Committee on Appropriations from this side of the aisle who were present at the time of the markup voted for the Cotton amendment because we felt it was a reasonable compromise. I feel that way now, and I feel we should by all means approve it. It is almost a 50-50 compromise.

Mr. President, there have been some statements made here that I think should be corrected. My distinguished friend from Rhode Island (Mr. PELL) said that passage of the amendment would give the President an item veto right. Nothing is further from the fact than that.

The Senator from Florida, as a one-time Governor of his State, operated under a constitution which gave him an item veto right and he occasionally exercised that right. The item veto right means knocking out an item entirely. The maximum reduction that can be made under the Cotton amendment is 15 percent on any one item. That is a far different thing from an item veto.

Mr. President, I heard my distinguished friend from Maine (Mr. MUSKIE) say that this is something we should not do because it was improper to give the President this much discretion. The Senator from Florida, and I think the Senator from Maine, voted a couple of years ago a direction to the then President, who happened to be a Democratic President, to reduce by a much greater amount the appropriations in not just one bill, but in all the bills we had passed, and to a much greater amount; and he went ahead and did it and no one claimed it was an improper act; to the contrary, we were all trying to economize.

In this instance, we have already voted early in the session to place a limit on expenditures, and we certainly did not do that idly, thinking the President would ignore it. We knew that it meant that the President would make the reductions, not only in this bill, but in any bill which had to be reduced in order for him to live within that limited expenditure.

We did not think that an improper thing at that time. As far as the Senator from Florida thinks now, he does not think this is improper.

Does the Senator from Washington wish me to yield to him?

Mr. MAGNUSON. No. I was wondering about the time of 3:30. The Senator from South Dakota and the Senator from Massachusetts wish to speak for a few minutes.

Mr. HOLLAND. I specifically gave notice that I wanted 15 minutes. I have used not quite 10 minutes. I could ask that the time be extended.

Mr. MAGNUSON. Very well.

Mr. HOLLAND. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the time be extended another 15 minutes, because the majority leader and the minority leader suggested if someone were not here he would be entitled to time.

Mr. ALLOTT and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, reserving the right to object may I inquire parliamentarywise if there is a time limitation on this amendment?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). There is a unanimous-consent agreement on this amendment that the vote on the measure take place at 3:30 p.m.

Mr. HOLLAND. Such request was given without a quorum call prior thereto. The Senator from Florida makes no complaint about this.

The PRESIDING OFFICER. This was not in defiance of the rules. This is on an amendment, and not on final passage.

Mr. ALLOTT. I wanted to clear the picture. I have been in the Chamber almost all day since this debate started. I was not aware of the unanimous-consent agreement. I am trying to find out what took place.

Mr. MAGNUSON. The majority leader and the minority leader asked unanimous consent that we vote on the measure at 3:30. I said that is all right, but I did not know if anyone else wanted to speak.

Mr. ALLOTT. I do not object.

Mr. MAGNUSON. If there were some Members who were not on the floor when this was proposed, they agreed to extend the time if they wanted to speak.

Mr. FULBRIGHT. If we are going to extend it, I shall ask for additional time, and it will have to be incorporated. I have some remarks to be made. I was told a few minutes ago before the Senator from Florida took the floor that we were going to vote at 3:30, so I withheld at that time.

I would not agree to the request unless it is amended to add another 10 minutes which I would have.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Mr. President, is there a unanimous-consent request?

The PRESIDING OFFICER. There is an order before the Senate that the vote on this matter be at 3:30 p.m.

Mr. CURTIS. Is there a unanimous-consent request to amend that?

The PRESIDING OFFICER. There is presently pending a unanimous-consent request to extend that time by 15 minutes.

Mr. CURTIS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator——

Mr. HOLLAND. Mr. President, I have the floor.

Mr. MANSFIELD. I am on the spot in this matter. Will the Senator yield?

Mr. HOLLAND. I do not agree we should not extend the time, because I told the majority leader I thought there would be need for more time when this unanimous-consent agreement was entered into.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. I am somewhat embarrassed by the action of the distinguished Senator from Nebraska. Personally I was ready to vote on this amendment, which I think is quite simple and easily understood, at 11 o'clock or at any time thereafter. I think a good deal of time has been used in discussing what the Cotton amendment means and in my judgment all of this discussion has not changed a vote; the expected outcome has not been effected.

I am going to vote against the amendment because I think it would accomplish an end run, so to speak, that sacrifices a good deal of congressional responsibility which will do the people of this country no good.

I would state for the record that in the past when the Senate has been accommodating enough to permit a vote to be taken at a time certain, there has always been consideration allowed to the joint leadership that would permit a certain degree of flexibility. In other words, if there were Members who wished to speak and who were not in the Chamber at the time the agreement was made, provision would be made. That, in my opinion, has always been the case.

So I hope despite all the inconvenience it may cause—and this is causing a lot of inconvenience—that the Senator would withdraw his objection in view of the position in which the joint leadership finds itself.

Mr. CURTIS. Mr. President, the junior Senator——

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the junior Senator from Nebraska dislikes to object but I shall continue in my objection. I like to be a team player. Within the last 10 days I flew all night to get here because of a statement that there would be a vote at 11 o'clock, and the vote occurred at 6:45 that night. I have already changed two plane reservations. I believe the stability of the Senate depends on the extent to which Members can rely on unanimous-consent orders being carried out. I shall object.

Mr. MANSFIELD. Mr. President, perhaps we are out of the impasse. I understand that Senators who wanted additional time have decided they will not speak.

The PRESIDING OFFICER (Mr. COOK in the chair). The hour of 3:30 has arrived.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I call to the attention of the majority leader the fact that I had asked for 15 minutes, and I understood I had 15 minutes. I had spoken 8 or 9 minutes before the interruptions.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Florida may have the remainder of the 15 minutes promised to him but which has been used because of the colloquy which has occurred. I might say that the time for the colloquy was made available because Senator HOLLAND was kind enough to yield. I think the Senate only owes him this same courtesy.

Mr. CURTIS. Mr. President, I object. The agreement was to vote at 3:30.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Mexico (Mr. MONTOYA), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. LONG) is paired with the Senator from New Mexico (Mr. MONTOYA).

If present and voting, the Senator from Louisiana would vote "yea," and the Senator from New Mexico would vote "nay."

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. MONDALE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 45, nays 40, as follows:

[No. 69 Leg.]

YEAS—45

Aiken	Eastland	Pearson
Allen	Ellender	Percy
Allott	Ervin	Prouty
Baker	Fong	Proxmire
Bellmon	Griffin	Russell
Bennett	Gurney	Schweiker
Boggs	Hansen	Scott
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hruska	Sparkman
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Mathias	Talmadge
Curtis	McClellan	Thurmond
Dole	Miller	Williams, Del.
Dominick	Murphy	Young, N. Dak.

NAYS—40

Anderson	Hart	Muskie
Bayh	Hartke	Nelson
Bible	Hollings	Pastore
Brooke	Inouye	Pell
Burdick	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Spong
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tydings
Fulbright	McGee	Williams, N.J.
Goodell	McGovern	Yarborough
Gore	McIntyre	Young, Ohio
Gravel	Metcalf	
Harris	Moss	

NOT VOTING—15

Church	Hughes	Mundt
Dodd	Long	Packwood
Fannin	McCarthy	Saxbe
Goldwater	Mondale	Smith, Ill.
Hatfield	Montoya	Tower

So the committee amendment, as modified, on page 61, after line 8, was agreed to.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, it is with deep concern and dismay that I view the agreements made in connection with the amendment of the Senator from New Hampshire (Mr. COTTON) to exempt aid to impacted areas from the 15-percent expenditure reduction authority granted to the President.

I have honored my pledge to support the administration in its anti-inflationary efforts. But the administration's position on the inequity of the impacted area aid formula, a position I supported, has now been shot out from under us.

The administration must assume full responsibility now if it makes expense reductions that will be more dangerous in their adverse effect upon the health, education, and welfare of the Nation than spending the money would have on inflation.

Mr. MATHIAS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maryland (Mr. MATHIAS) proposes an amendment——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, the Senate is not in order. We would like to hear what the amendment is, but we cannot hear because of Senators walking up and down.

The PRESIDING OFFICER. The Senate will be in order. If Senators will take their seats, the clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 60, line 16, after "Sec. 408.", insert "Except as required by the Constitution,".

On page 60, line 22, after "Sec. 409.", insert "Except as required by the Constitution,".

The PRESIDING OFFICER. Does the Senator from Mayland wish his amendments to be considered en bloc?

Mr. MATHIAS. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, so we will understand the procedure, as I understand it, the Senator's amendment goes to two sections?

Mr. MATHIAS. 408 and 409.

Mr. MAGNUSON. 408 and 409, in each of which the words "except as required by the Constitution" will be inserted, but not in section 410, which is commonly known as the Jonas amendment?

Mr. MATHIAS. The Senator is exactly correct. The amendment applies only to sections 408 and 409, and not to section 410.

Mr. MAGNUSON. Sections 408 and 409 are normally known, I guess we all know, as the Whitten amendments.

Mr. MATHIAS. The Senator is correct.

Mr. ALLEN. I ask that the question be divided.

The PRESIDING OFFICER. The Senator from Alabama has asked for a division of the question; so the Senate will proceed to consider the amendment as to section 408. The amendments cannot be considered en bloc.

Mr. MATHIAS. Mr. President, there is nothing new about this amendment.

Mr. PASTORE. Mr. President, we want to hear these amendments. They are important and I think we ought to have order. I want to hear every word—every single word.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator may proceed uninterrupted.

Mr. MATHIAS. I appreciate the intervention of the Senator from Rhode Island.

The words are the same words which were adopted by the Senate as to similar sections of the bill on the 17th of December last—the words "except as required by the Constitution."

Of course, the purpose now, as was the purpose then, and as was very eloquently discussed at that time by the Senator from Rhode Island, is to avoid any doubt or any ambiguity in the execution or application of this section of the law.

It is intended that the Constitution and the interpretations of the Constitution by the courts should apply; no more or no less is implied by adding the words "except as required by the Constitution."

As I say, this very language was accepted by the Senate in the vetoed bill which was passed on December 17, 1969. The provision was supported by the administration then, and it is supported by the administration now. I have a letter dated February 20, 1970, addressed to the Senator from Washington (Mr. MAGNUSON), from the Secretary of Health, Education, and Welfare.

In dealing with this matter, the Secretary says, and I read accurately from his letter:

As you know, sections 408 and 409 are identical with the provisions contained in H.R. 13111 as originally passed by the House. I would recommend that the Senate follow exactly the same course of action it followed in dealing with these provisions of H.R. 13111.

That is all we are asking—that we again insert the same words which were inserted in December.

The Secretary has said nothing further except to spell out that position on the part of the administration; but in a communication which he sent to all Members of the Senate in December, he did make a further point of this, which the Senator from Rhode Island read into the RECORD at that time, and to which I would like to refer at this point. This occurred on December 17, and appears in the CONGRESSIONAL RECORD, volume 115, part 29, page 39529. The Secretary's letter reads as follows:

Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Accordingly, the Administration urges the Senate Appropriations Committee to delete the amendments.

In the event the Committee chooses not to do so, the Administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law.

That is the point. The Whitten amendments are in the bill. But the administration request is that they be revised consistent with the requirements of existing law. And the supreme existing law is, of course, the Constitution. So I ask that we add to the language of the bill, at the beginning of section 408 and again at the beginning of section 409, "except as required by the Constitution."

Mr. President, I think this is a necessary amendment. I think the fact that there was a previous debate less than 2 months ago covering the same ground should make our job today easier and enable us to conclude this debate sooner. As was pointed out in the previous debate, we can have serious difference in the administration of the law by one executive department and by another executive department without language of this sort, which hews to the polestar of the Constitution at all times. That is in essence what we are intending to do.

It was said in previous debate—of course, the situation still exists—that, under the direction of the President, the Department of Justice might follow one set of rules or one pattern, and without these words the Department of Health, Education, and Welfare would be constrained to do otherwise. This could create a chaotic condition, one in which I think we would be in very serious trouble. The whole problem of school desegregation is already complex enough and complicated enough. If we add to that any ambiguity in the application of the law, it will become the most hopeless snarl with which we have ever been faced. I think this is one way in which we can add a guiding light and provide for those who have to administer the law some particular help in dealing with it.

I was very much interested, in reviewing the previous debate, to see some of the objections that had been raised to these words when they were proposed by the distinguished Senator from Pennsylvania, the minority leader, in December. Some of those who objected were objecting, I think, to the whole concept, were objecting to any change whatever in the Whitten amendments; but others, who advanced more specific objections, dealt rather particularly with the fact that the Constitution, which was to be applied as required by the language of the amendment, might not be a uniform Constitution all over the country.

It is interesting that in the 2 months that have passed between that time and this, this very question of uniformity has been considered by the Senate and has been resolved by the Senate, and I do not believe that that objection can be raised to the amendment at this time.

There was a further question with respect to this kind of language added to a statutory enactment, that all statutes had a presumption of constitutionality and that simply to require that the Constitution should be the guideline against which they are to be measured would add nothing or, if left out, would subtract nothing. I think that my good friend, the Senator from Colorado, advanced that argument during the debate.

But I think that the plea made by the Secretary of HEW on behalf of the administration and the very able arguments that were made indicating that this would give HEW some additional help in determining exactly what its duty was, all militate toward the conclusion that these words are indeed a necessary addition to the bill.

Therefore, I am asking that the Senate should once again do as it did in December, by a substantial margin—adopt this particular language.

Inevitably, in the course of this discussion, the question will arise, as I have just suggested: What is the impact of the Stennis amendment on this whole area? I do not think that the action of the Senate in adopting the Stennis amendment will necessarily be in conflict with this particular section.

The Stennis amendment did not primarily deal with the question of uniformity. The Stennis amendment dealt with uniformity of the law all over the country. That is not the thrust of this amendment. This amendment deals with constitutionality, which I believe is a necessary addition, perhaps even more necessary because of the adoption of the Stennis amendment.

The court cases which deal with the subject, of course, are voluminous. I do not believe it is necessary for us to go deeply into each and every one of them, but I would say that the law which we seek to embody by this amendment into this particular enactment is certainly not novel. The words are simple, "except as required by the Constitution."

That harks back to one of the oldest of our judicial landmarks, the case of Marberry against Madison. We set up the Constitution and the interpretation of the Constitution as the benchmark. I cannot say, in all honesty, how any Member of the Senate can be seriously in opposition to that proposition.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. HANSEN in the chair). Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. MATHIAS. I yield.

Mr. PASTORE. Is the purpose of the Senator's amendment to assist the courts in the implementation of the Brown against Board of Education case of 1954?

Mr. MATHIAS. Yes. Very simply, yes. I think that it will assist it.

Mr. ERVIN. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. ERVIN. Is there a single syllable in Brown against Board of Education, Topeka, that makes any reference to the busing of children?

Mr. MATHIAS. No.

Mr. ERVIN. Is there any decision of the Supreme Court of the United States which requires the busing of children?

Mr. MATHIAS. I cannot recall any ruling which requires the busing of children.

Mr. ERVIN. Does not the Senator from Maryland think that Members of the Senate who have taken an oath to support the Constitution of the United States should have some idea of what the Constitution means?

Mr. MATHIAS. I certainly would agree with the distinguished Senator from North Carolina that we should think, by the time we reach the U.S. Senate, we would have a good idea of what the Constitution says and what the Constitution means. Without that, how could we possibly sustain our obligation to the oath we took? I agree with the Senator absolutely.

Mr. ERVIN. Well, why should we split over an act of Congress except as required by the Constitution unless we had some convictions as to what the Constitution requires with reference to the busing of children?

Mr. MATHIAS. To answer that question, we would have to look at the letter of the sections.

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that there is no compulsion upon the Senate to make appropriations for everything the Constitution of the United States may authorize?

Mr. MATHIAS. Would the Senator kindly repeat his question?

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that there is no obligation on the part of the Congress of the United States to appropriate money for everything the Constitution may authorize?

Mr. MATHIAS. I agree absolutely with that proposition. I am proud of the fact that some of the best votes I cast have been votes against appropriations of various sorts.

Mr. ERVIN. So this comes down to the question of a Senator's wanting to vote for an amendment of the Senator from Maryland if he thinks that children should be bused, otherwise he should vote against it, because there is no obligation on us to appropriate money for all purposes which may be valid under the Constitution.

Mr. MATHIAS. That is a point where the distinguished Senator from North Carolina and I part company.

Mr. ERVIN. Does the Senator from Maryland believe that school districts should be compelled to deny children the right to attend the neighborhood school or require that they be bused hither and yon?

Mr. MATHIAS. Well now, the distin-

guished Senator is limiting his approach to the single question of busing. Of course, the sections are far more broader than that. The sections would go to assignment to schools, with or without busing, and there might be included in this whether it is voluntary or involuntary, raising also the question of freedom of choice plans and all the rest.

Mr. ERVIN. If the Senator believes that, HEW then should have the right to require the States to abolish their schools, should it not?

Mr. MATHIAS. I think HEW not only has the authority but should have the authority to obey the dictates of the Constitution as set forth by the Supreme Court and by the various courts of the land. That is the only way we can get any uniformity in our social system.

Mr. ERVIN. Will the Senator call my attention to one single syllable in the Constitution which says that the Department of Health, Education, and Welfare has the constitutional power to order the closing of a school that belongs to a State, which has been constructed by State money, and which is operated by the State for the education of children.

Mr. MATHIAS. As the distinguished Senator well knows, the Constitution makes no reference to the Department of Health, Education, and Welfare. But I think that President Nixon made it clear what HEW is going to do as long as he is President. HEW is going to carry out the law of the land and the dictates of the Constitution as they are interpreted by the courts.

The Supreme Court has recently handed down a decision in the case of Beatrice Alexander against Holmes County Board of Education. The Court said—I am not going to quote the whole opinion——

Mr. ERVIN. May I ask the Senator what court decided that?

Mr. MATHIAS. The Supreme Court of the United States. The case of *Beatrice Alexander* v. *the Holmes County School Board of Education,* 632, October term, 1969.

I quote from the Court's per curiam opinion:

> Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under the standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Shortly after that opinion was handed down by the Court, the President was asked in public what his reaction was to it. He said that it was the law of the land and was the law for the administration to enforce, and that it would be the guideline for the Department of Health, Education, and Welfare in the days to come.

Mr. ERVIN. Does not the Senator from Maryland know that when President Nixon was in Charlotte, N.C., during the last campaign and was soliciting the votes of the people of North Carolina, he said that he was opposed to busing schoolchildren or to making any change in the racial composition of the schools?

Mr. MATHIAS. I believe he made that statement on several occasions.

Mr. ERVIN. Yes. All that the Holmes case does is to require the desegregation of schools. A school must be desegregated and its doors open to the children of all races. The only meaning that can be given to the term "unitary school" is that it is open to children of all races.

Mr. MATHIAS. The impact of the Holmes case is to prevent further dilatory action under the guise of the "deliberate" part of the phrase "all deliberate speed."

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that all that the per curiam opinion holds is that schools must be segregated, and that a school to be desegregated within the purview of the Brown case and within the purview of the Civil Rights Act of 1964 is that children must be assigned to schools without regard to race; and that it does not apply to busing?

Mr. MATHIAS. Mr. President, I would agree with the Senator.

Mr. ERVIN. Mr. President, I am unable to see why anyone who does not favor the busing of little children, and thus denying the little children of their right to attend their neighborhood schools and requiring of them that they be transported out of their neighborhoods for the mere purpose of mixing children racially, would not be in favor of prohibiting the use of the funds with which to bus children. Does not the Senator from Maryland think that in a free society children should be assigned to schools, as far as possible, that their parents request?

Mr. MATHIAS. Mr. President, I certainly in the best of all worlds would be very happy and would like to see the children able to go to schools as close to their homes as physically and geographically possible, schools that they wanted to go to, schools that they did not have to be bused to.

The Senator well remembers—I think he and I can both remember—the days when a large percentage of schoolchildren in this country were not bused at all. They went to a one-room schoolhouse somewhere. All grades met together around a stove.

It was then determined that a better world of education could be acquired if we were to establish a consolidated school system. We gave up the concept that the one-room schools would be the end of all education, and decided that we would get the children to go to a central location and enjoy the facilities which a larger school could provide and would be available for them there.

I can recall from my experience as a member of the State legislature, the bitter resentment parents felt when their children were taken from the smaller school in their immediate neighborhood, and told to go to a consolidated school.

This had no racial overtones, although in those days the school system in Maryland was totally segregated.

Mr. ERVIN. Mr. President, all of that was done by the State or by some division operating the school system. In those days the Federal Government did not want to take action.

Mr. MATHIAS. Mr. President, the point I am making is that I agree with the Senator that no one likes busing by itself. No one is particularly entranced by busing as a mechanical device, though at times it becomes a necessity.

I agree with the Senator. I do not embrace it. I do not rejoice in the concept of busing for whatever purpose.

Mr. ERVIN. I wish I could agree with the Senator from Maryland that no one likes busing. I believe that would mean that we could get an agreement on the floor of the Senate that would prohibit the busing of schoolchildren.

It is passing strange to a man like myself who stands up against things that he opposes to hear Senators say that they favor busing prior to the countenance of busing by the order of the Supreme Court, although the Supreme Court has not made such an order.

Mr. MATHIAS. Mr. President, when I say that I do not like busing, I mean that. And when I say I do not know anyone who does, I mean that. But it does not mean that it has not proven to be one of those tools which has been useful in the whole educational field, for whatever purpose it may have been employed.

I think the Senator from North Carolina in directing his total attention to the busing section has perhaps overlooked the importance of some of the other sections.

Mr. ERVIN. Mr. President, if I may make one further observation, the Department of Health, Education, and Welfare is the branch of the executive department of this Government. The Secretary of Health, Education, and Welfare is an underling of President Nixon. And if President Nixon is really opposed to the busing of schoolchildren for the purpose of changing the racial composition of a school, President Nixon would order the Department of Health, Education, and Welfare to stop busing. And until he takes a forthright stand on that question and orders the Department of Health, Education, and Welfare not to do what he says he is opposed to, I am going to accept the words in the declaration he made on the subject.

Mr. MATHIAS. Mr. President, I respond to the distinguished Senator's very eloquent statement. I go back, at the risk of repetition, and read again from the letter that Secretary of Health, Education, and Welfare sent to various Members of the Senate, including the Senator from Rhode Island (Mr. PASTORE), which he read piecemeal into the debate on December 17.

It says:

> Sections 408 and 409 would seriously restrict the flexibility of the HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.
>
> Accordingly, the administration urges the

Senate Appropriations Committee to delete the amendments.

Then it continues:

In the event the Committee chooses not to do so, the administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law.

I do not believe there is any way in which this particular job can be done, in which the request of the administration can be met, than by the addition of the words I have proposed.

The Senator from North Carolina has suggested, that the Constitution may not require some of the action which is contemplated by the Whitten amendment.

Of course, the Constitution, as it applies to the given factual situation may take on the complexity of the facts to which it is being applied. It is very difficult to make final hypothetical judgments; but I would think, as the Senator from North Carolina himself indicated, that the addition of these words should cause him no alarm or dismay.

The words of section 408, as I said to the distinguished Senator, deal with far more than the busing of students. They also deal with "the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent." In other words, one of the elements here is the cause of freedom of choice.

This, again, is an area in which the Supreme Court has spoken very recently. I refer to the case of Green against County School Board of New Kent County, in the October term of 1967. Mr. Justice Brennan delivered the opinion of the Court. In the course of his opinion he quoted from the very distinguished American jurist—very distinguished Marylander of whom we in Maryland are particularly proud—Judge Simon Sobeloff. Quoting from Judge Sobeloff's opinion in the earlier case of Bowman against School Board, Judge Sobeloff said:

"Freedom of choice" is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a "unitary, nonracial system."

I think this is the essence of what Secretary Finch asked us for help to accomplish: No single limited arbitrary act but to give him, as he said in his own words, the flexibility to administer the law in accordance with the Constitution and in accordance with the interpretations of the Constitution that have been given to us by the courts.

If one looks at the Green case and applies it to the question of freedom of choice plans, it would appear that a plan per se is constitutionally neutral. Whether or not a specific plan is constitutional or unconstitutional would depend entirely on the facts of a given situation.

As the Senator has suggested, this question of busing is a constitutionally neutral question. Title IV of the Civil Rights Act of 1964 reclared:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Now, this amendment does not enlarge or restrict the power or the authority of HEW in carrying out the dictates of the law. It does not give them more than they had and it does not take away. It simply makes it crystal clear that what they do must be predicated on the organic law of the land, the Constitution and on nothing else. I think it would affirm the fundamental principles of constitutional interpretation which have been accepted by all Americans since they were handed down by Chief Justice John Marshall in 1803. I believe that it is a necessary amendment which has been requested by the administration. It will improve the application of this law to the difficult educational field in which we are working. I respectfully hope the Senate will and I ask the Senate to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. Has the Senator concluded?

Mr. MATHIAS. Will the Senator bear with me for just a moment?

Mr. STENNIS. Very well.

Mr. MATHIAS. I had a further question to raise but I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. Mr. President, first I want to point out to the Senate that these provisions that are in the bill as sent over by the House were placed there by the House committee first and then were sustained by a vote on the floor of the House. A direct motion was made there to strike the provisions from the bill. They have come over to the Senate and they have been considered by the Committee on Appropriations where they were sustained by a divided vote, with either a two- or three-vote margin. At any rate, they were considered and sustained.

Furthermore, these amendments were passed by the House of Representatives last November or December first and came to the Senate. The first two of them were approved by the subcommittee after the most thorough discussion. They were approved by the subcommittee of the Committee on Appropriations and then they were approved by the full committee of the Committee on Appropriations and came to the floor.

After a very good debate, they were altered and modified by the Scott amendment. That was last December. They were written into the amendment, the very words that we have under discussion now, relating to the amendment offered by the Senator from Maryland.

Mr. President, I recite those facts to show that this is not just a piece of paper that we are dealing with here. It is something that has run the gantlet of the committees of both Houses twice. It ran the gantlet of a vote on the floor of the House—it was a standing vote, not a rollcall vote—twice. It was approved by a vote here in the Senate last December. I know there were 37 recorded votes in favor of the amendment as written now. That is all we could actually count, but I know there were three or four more who would have voted in favor if they had been present, which would have been a minimum of 40 votes. It is not a majority, but it is a respectable number of this entire membership.

There was a time when these amendments represented problems that went only to the Southern States, that went only to the integration and school programs and problems in the Southern States. But times have changed.

The question of busing children against the wishes of parents is a growing thing, and it has grown into other areas of the country. It is beginning to be understood now. I do not have any joy or jubilation of any kind that any school anywhere is in trouble. In Denver, Colo., for instance, they have been divided there. They are troubled over school busing. It has come up in Chicago, where the question is a live matter. I do not know to what extent it has been tested, but there are cases in various parts of the country now, some of them even in the State courts. This is a matter that is beginning to have a meaning.

I illustrate how the interest has grown. I do not mean to be making personal remarks about a letter I received, or about myself, either, but I have a very close friend, a surgeon, who is now retired, who was born and reared in Michigan. He lived in Mississippi years ago, before World War II, and came back and settled in Florida. He was my personal surgeon for a time, and I feel very close to him.

Mr. MANSFIELD. Mr. President, will the Senator yield when he gets through?

Mr. STENNIS. Yes. Let me give this illustration first. I am talking now about busing. I was talking about this very fine man. I just happened to get a letter from him yesterday morning. He referred to the problem and said:

Our own schools have been in a state of frustration about interschool busing.

This is down in the great State of Florida, in one of the fine cities there:

We have had to purchase 13 new buses that were required to carry out the court order that neither colored nor white citizens wanted.

As I say, that comes from the South, but he is a man of the highest intelligence and integrity. His children are not involved. He is a man of my age. His grandchildren do not live in that State. But he is honestly reflecting the sentiment of those parents there—a high degree of frustration.

Within 30 minutes after I received that letter, a gentleman from California came in. He was looking for some information about a prospect for a new airplane, or tank, or product of some kind for the military. He was a very intelligent man. He talked about this. Then he said:

By the way, tell me something about the prospects of busing.

He lived in California. He said:

My 12-year-old son came in yesterday or the day before and said, "Papa, I want to know more about this busing us away from our school."

The father tried to explain it to him. The boy said:

Am I going to be carted away to a strange school with strange classmates?

The father said:

Yes, son. I am sorry, but you are included in it.

The son said:

Papa, can't you do something about it? Can't you do something about it?

There was that 12-year-old boy with that fine expression of faith in his father, a fine businessman. The boy was accustomed to seeing him accomplish things. There he was caught in the clutches. He did not like it. He did not want it. He did not feel that the boy deserved it.

I said:

Well, you and your wife can do something about it, but you are the only ones.

I cite that illustration from first one side of the continent and then the other side of the continent. Just as one Senator, I had these two reports. This matter is converging on the Nation, and something must be done about it, and this is the forum to do it.

Do not let HEW get by you by telling you that they do not require busing. They do. I know they do. I have had experience with these school districts. I have personal knowledge of it. They do not require it in the North. Outside the South, they do not require it. But they make their demands in their plans, even in court cases, and they are such that they require busing of children away from their home schools. They say they do not require busing, but the exigencies of the plans require it. What are they going to do? Walk 12 miles? Sure, they do not require the school districts to bus the children—just let them walk.

You do not have to go any further to see how parents feel about this. They want it stopped, and they are looking to us to do something about it.

This amendment would not do anything about it so far as a local board is concerned. If they want it locally, they have the power to do whatever they want to; but this is merely a limitation on an appropriation bill, and certainly the Congress has jurisdiction of that. Only Congress has the power to appropriate money, and it can do so under such conditions as it sees fit.

So far as busing is concerned, these conditions have been approved merely to stay the hand of HEW, saying, "You shall not require it." It has a nationwide application, too. It puts that restriction on it. It is true that it will last but 4 months if these provisions stay in the law, because that is the life of the appropriation bill. At the same time, there is a principle involved here; and if it is approved one time by the Congress, even if it is but for 15 minutes, it is a realization that a wrong is being done and that something should be done about it; and Congress is the one that must do something about it.

I shall say something about the Holmes County case in a few minutes, but I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, would the distinguished Senator from Mississippi indicate to the Senate how long he intends to speak? I raise the question only because I have heard rumors to the effect that Senators have been told they could go home, though not by the leadership, and that there would be no votes tonight, but that there would be some talk. I would like to lay the cards on the table and see where we stand.

Mr. STENNIS. I may say to the majority leader that I conferred with him first about all this, and made a proposal that if we could—if he could—we get an agreement to vote Monday morning.

But that was all right; I did not say anything, Mr. President, to the effect there would be no votes. I just indicated to some Senators that I did not think we could agree to have a vote here tonight. There are three amendments pending here. My idea is that when we vote, we ought to proceed then to vote on the others, too.

So, I am not going to speak for any great length of time, but there are others here who want to speak, and I just do not feel that we can agree to vote tonight, to rush in on these matters. These amendments have stature that they have already gained.

I repeat that my idea was that if we could debate it some here tonight, and then have controlled time, we would not need a control until Monday morning on it.

Mr. MANSFIELD. Once again, the majority leader is being placed in a very embarrassing position.

Mr. STENNIS. I do not want to embarrass the Senator.

Mr. MANSFIELD. I know; and the Senator from Montana does not want to have this done to him twice in the same day; but we do have an order to come in at 10 o'clock tomorrow, which I did discuss with the distinguished Senator from Mississippi. I did express the hope that it might be possible to arrive at a time limitation, and that there was a possibility that that might be done.

I would point out that under the dictum of the Senate, the voting rights bill becomes the pending business on Monday next; and I would like to lay the cards out on the table so that every Senator, regardless of his feeling on any particular amendment or group of amendents, would know where he stands; and I would like to again raise the question which I have discussed with the Senator from Mississippi, would it be possible to get a 2-hour limitation on each amendment beginning tomorrow?

Mr. STENNIS. Well, it just sizes up this way, in my mind, on that: An hour to each side on each amendment, and I think we ought to add to that something to take care of development. An hour and a half, then, on the bill, to be transferred when desired?

Mr. MANSFIELD. Two hours on the bill?

Mr. STENNIS. Does the Senator mean 2 hours to the side?

Mr. MANSFIELD. Does the Senator from Mississippi want an hour and a half on a side, on the bill?

Mr. STENNIS. That is what I say. Two hours on each side will be all right; that is just to take care of the situation, and it worked mighty well when we had this controlled time the other day.

Mr. MANSFIELD. Yes. And after this, I do think when the leadership gets a unanimous-consent agreement on an amendment, as a matter of protection for the Senators concerned who agree to it in good faith, when additional time is needed, I think we will almost always have to have an hour or so on the bill as a protective device, so we would not be put in the position we were this afternoon, when the leadership was flouted and its pledge broken. Not by the Senator from Mississippi.

Mr. STENNIS. Well, yes; that is suitable to me. I think we can have an hour to the side of each amendment, and 2 hours, then, on the bill, to each side, with a transfer of the time on the bill to any amendment. We would have to have a provision there, should there be a substitute, that the same hour to the side would be allowed, or if there is an amendment to the amendment, 30 minutes to the side.

Mr. MANSFIELD. That is fair enough.

Mr. STENNIS. I would like for the majority leader, if he would—and I would yield for that purpose—to ask for a quorum call, so there would be a little pause to confer with the Members here.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Mississippi.

NOMINATION OF GEORGE HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. EASTLAND. Mr. President, as in executive session, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the nomination of George H. Carswell, of Florida, to be an Associate Justice of the Supreme Court, and the committee report, together with minority and individual views, on the nomination.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, that nomination now goes on the calendar; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor,

and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. YARBOROUGH. Mr. President, this bill is a pale shadow of the resolve in the Congress a few months ago to renew a national priority for the needs of the American people. Just to keep pace with a 6-percent price inflation, we would need to appropriate $19.3 billion, and to accommodate the much higher cost increases in health and education, a 10-percent increase over last years funds would come to $20 billion.

So we have come down to a new emphasis of about $400 million worth on health, education, antipoverty, and Department of Labor activities.

Nonetheless, some of the increases above budget estimates we have retained are crucial.

One is the $25 million for bilingual education, which is $15 million above the compromise budget estimate. Unless we start providing some financial flesh for the skeleton of the Bilingual Education Act, the thousands of young people who could benefit from it will not, but will instead continue to leave elementary and secondary school in massive numbers.

I find it hard to think of these children as dropouts from school. I think a school system that teaches only in a language which large numbers of its pupils do not understand easily is shutting out those children. Meaningful funding for title VII will provide meaningful education for the first time for thousands of children of Spanish-speaking families.

In higher education, we have wisely maintained $33 million for construction of undergraduate facilities.

This is a category for which the Administration compromise offers nothing. Unless Congress insists on keeping this program going, it will be killed. I say that because the fiscal 1971 budget estimate is also before us, and it requests absolutely nothing—zero—for all higher education construction grants.

We see the pattern here for higher education comparable to that for hospital construction. The administration wants to phase out grants for both. It wants to put the burden back on State and local governments to raise money by borrowing to pay for hospital and college buildings.

Congress enacted the Higher Education Facilities Act in 1963 and extended it in 1966; $936 million is authorized for 1970 and 1971. The $33 million Congress added to the budget is just a drop in the bucket of what is needed. It is only a symbol of congressional determination to keep the program alive.

In the health field, the administration has accepted the increases Congress made for certain of the Institutes of Health; namely, heart, cancer, eye, child health and development, and dental research. But the bill carries important funds for health manpower which must be sustained, if the Nation is to break the most serious bottleneck in health care—trained personnel. It carries the same amount as did the vetoed bill, $10,250,000 more than the administration compromise.

A nation short 50,000 physicians has no business trying to comprise on health manpower and education, because it is no economy at all. It merely contributes to the rise in medical costs for both the Government and the American people.

In its present form, the bill makes modest increases in some of the most urgent areas of national need, and it holds the line on others. It is the minimum that the American Government must invest in the health and future well-being of its citizens. The Cotton amendment should be defeated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON SATURDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the convening of the Senate tomorrow, and after the prayer, there be a period for the transaction of routine morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending Mathias amendment there be a limitation of 2 hours to a side, the time to be controlled by the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that following the disposition of that amendment there be a limitation of 1 hour on the amendment covering section 409, the time to be divided equally between the proposer of the amendment and the majority leader or who may be designated by him.

The PRESIDIING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Maryland (Mr. MATHIAS) will sponsor the second amendment, so the time will be in his control and in the control of the majority leader or who may be designated by him, and that the Senator from Mississippi will be in charge of the other half-hour.

I ask unanimous consent that on the amendment dealing with section 410 there be a limitation of 2 hours, the time to be divided equally—1 hour to a side—and to be under the control of the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the bill itself there be a limitation of 4 hours, the time to be divided equally between the manager of the bill (Mr. MAGNUSON) and the minority leader or whoever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. SPONG. Mr. President, reserving the right to object, may I ask the majority leader what would be the time limitation on any other amendment to be offered than the three already covered in the unanimous-consent agreements?

Mr. MANSFIELD. Has the Senator from Virginia an amendment in mind?

Mr. SPONG. There is a distinct probability that I shall offer an amendment.

Mr. MANSFIELD. If the Senator would agree—I merely toss this out for his approval or disapproval—I ask unanimous consent that on other amendments there be a limitation of 1 hour, the time to be divided equally between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Mr. SPONG. I think that would be satisfactory.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that on amendments to amendments there be a limitation of 30 minutes, the time to be divided equally between the sponsor of such amendment and the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The amendments, substitutes, and so forth.

Mr. HRUSKA. Mr. President, the Senator from Nebraska may offer an amendment on which he would like an hour on each side. It has to do with impacted school areas.

Mr. SPONG. I think we may be talking about the same amendment.

Mr. MANSFIELD. Mr. President, if it meets with the approval of those concerned, I will make that request on behalf of the amendment which may be offered by the distinguished Senator from Nebraska, which would be 2 hours, an hour to a side, the time to be controlled by the Senator from Nebraska and the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, may I inquire of the distinguished majority leader, does the unanimous-consent request now apply to other amendments to the bill?

Mr. MANSFIELD. Yes. One hour.

Mr. GRIFFIN. And that has been agreed to?

Mr. MANSFIELD. That has been agreed to.

I think we have covered every angle. There will be no further votes today, but the time limitations will start at the conclusion of the morning business tomorrow, which will take not to exceed 15 minutes, after the delivery of the prayer. The Senate will convene at 10 o'clock tomorrow morning.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, during the further consideration of the bill (H.R. 15931) to make

appropriations for the Department of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, debate on any amendment (except the pending amendment on which there will be 4 hours divided between the Senator from Maryland (Mr. MATHIAS) and the Senator from Mississippi (Mr. STENNIS); the amendment to section 409 on which there will be 1 hour divided between the Senator from Maryland (Mr. MATHIAS) and the Senator from Mississippi (Mr. STENNIS); the amendment to section 410 on which there will be 2 hours divided between the minority leader (Mr. SCOTT) or his designee and the Senator from Mississippi (Mr. STENNIS); on amendments to amendments there will be a 30-minute limitation, to be divided between the sponsor of such amendment and the manager of the bill, or whomever he may designate; on the amendment relating to impacted school areas, there be 2 hours to be divided between the Senator from Nebraska (Mr. HRUSKA) and the manager of the bill or whomever he may designate, motion, or appeal, except a motion to lay on the table shall be limited to 1 hour, to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled respectively by the manager of the bill (Mr. MAGNUSON) and the minority leader, or whomever he may designate: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. STENNIS. Mr. President, with all deference to the author of the amendment, the distinguished Senator from Maryland (Mr. MATHIAS), as a practical matter the words "except as required by the Constitution" will be interpreted to mean that this will apply only to the South, the interpretation will be that segregation is unconstitutional only in the South, or illegal only in the South.

That is the general trend of things today. That has been true for years. Representatives of the Department of Justice appearing in courts in the South use the term "unconstitutional segregation" all the time. That is their watchword. That is what they use in arguments to the court. That is what they use in their terminology when they talk to school officials. There is no doubt about that. They have their minds trained to think in the terms I have just described.

Instead of saying, "except as required by the Constitution," we might as well write in the words that there is one rule for the South and another rule beyond the South as to segregation after all. That will be the interpretation—it is already the interpretation by HEW—and this will just confirm it.

So, in that respect, then, the words have no meaning except to dilute and sectionalize the application of these proceedings. It will firm up and sustain the position of HEW.

These are not just high-sounding words or the kind of words one sees when he reads the newspapers. I know what I am talking about because I have been in contact with these officials. I have not attended the court trials but I know many people who have been there and they have heard these arguments.

So let us not fool ourselves. "Except as required by the Constitution" means "Everyone go on doing as you have been doing." I think that is the purpose of putting those words in here. There has been an effective shield and protection built into the Civil Rights Act that keeps these rules from being applied in the South. There have been interpretations by the courts on their failure to expand and hold segregation beyond the South as being illegal.

The Supreme Court has thereby affirmed, in a way, this position.

But I do not believe it is the law of the land. I do not believe that the people of this country think it is the law of the land. I do not believe that the people of this country want it to be the law of the land, that we have one rule for one area of the country and another rule for another area of the country, or that we have one rule for white and colored children that live in one area of the country and another rule for white and colored children who live in another part of the country. I just do not believe that the people want that.

I think that more and more this is understood on the floor by Senators as to what is happening, that more and more the system will crystallize in favor of having uniform application.

I repeat, as I have said many times before publicly, and to a national television audience, "You just apply the rule you want to yourself outside the South and we will live with it. We will live with anything that you will apply to yourself, but we do not want to be punished any longer. We do not want black and white children to be punished any longer."

We need this uniformity. If we adopt this amendment, we will be right back to the old formula.

There are many people, I find, outside the South, that are not happy about busing, either. They want to get it stopped. I think they are right about it. But fairness dictates that whatever is done about it should have uniform application.

Mr. President, I want to say something now about the case of Beatrice Alexander against the Holmes County Board of Education. I speak with all deference to the Supreme Court of the United States, but I believe one of the things that generated the large vote here last week, on the amendment about the policy on uniform application, was the way those cases were handled by the Court.

In the middle of a school term, when none of the districts in Holmes County, and there were 33, not one single one was at fault; they had not violated any order of the Court, they were in compliance with all the dictates of the Court orders, they had been allowed this additional time on the advice of the testimony of HEW and the position of the Attorney General of the United States; but, nevertheless, they were jerked up in the middle of the school term and demands were made by the Court that all the teachers be reshuffled, and that all the students be reshuffled, rezoned, reorientated, and shifted off to other schools and that some schools be closed. That is unbelievable.

Those were the items I mentioned here in the plans that had been gotten up hastily by HEW. But the HEW saw that it would not work, as there was not enough time; nevertheless, the Court over here said, "Put them into effect anyway."

There was one place I know of—it was later corrected—where 960 high school students were assigned to a building that would hold only 350. So the other 610, if it was a rainy day, or it was snowing, would have been left out out there in the cold, if the order had ever been carried out. As I say, it was corrected.

That showed the undue haste in the entire matter. They were notified that this change had to come about on January 1, notice having been given about November 10.

That, of course, destroyed the remainder of the school year until January 1. The frustration, the uncertainty, the sadness of little children being taken from their playmates and being shifted off to another part of the school district, teachers being transferred, with lifelong friendships being marred, with contracts to teach in a certain school not being worth the paper they were written on—all these things were happening. It killed that session of the school year, and when they made the physical change, that killed the rest, so far as the education of those children was concerned.

Mr. President, to HEW, education is not the object of schools in the areas that are being treated this way. It is their last object. Integration is their first object.

The school administrators are being told by representatives of the Department here, "Put them where you please so far as the school building is concerned, as long as you maintain the quotas, the percentages."

Now that is the very thing they said they did not want when they had the civil rights legislation. The relationships of percentages to colored and white students was not to be considered.

Now that will be denied, perhaps, but that is the test. That is what is called the quota system. It is expressed in various ways by zoning, and so forth. These cases are too severe for education to survive. That is what the case of Beatrice Alexander against Holmes County School Board cited.

After that precedent was set, they brought up all the cases from the South, from Georgia, Florida, Louisiana, and other States, and decided all of them in the same way—total and immediate integration.

The judges in the fifth circuit in New Orleans, on some of their panels, said, "Regardless, we are not going to order something contrary to our judgment." And they tried to give them a little more time. The Supreme Court reversed that and ordered total integration now.

That is what we are up against. The item here concerning busing is one of the key parts.

I do not have any full solution to this perplexing problem. But I know it is not being solved in the pattern of operations we now have.

On my responsibility to my fellow Senators, I say that in large areas, education

for the children is being destroyed. There is not an atmosphere that is conducive to learning, to encouragement, to the inspiration of these youngsters that have good minds or those that have practical talent in terms of vocational fields or anything else.

One does not have to believe me on that statement. Look around here. I am not referring to the city schools here. My goodness alive. We all want better schools and more effectively taught schools and more and better teachers.

What we are getting is disillusionment, frustration, and defeatism. And when I say that, I mean all students.

I hope that we may have the attention tomorrow, and I believe that we will, of the membership of the body that has decided we must move in here and take some positive action.

I speak with great deference to the courts. But I was never more satisfied of anything than that the judges, or any other professional group not trained in education, are not capable of operating our schools. And the quicker we realize that and the more of them realize it, the quicker we will get back on the track.

I yield the floor.

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator be averse to the leadership tomorrow calling up a noncontroversial treaty having to do with intellectual and industrial property conventions, which was reported unanimously by the Committee on Foreign Relations? I see the ranking member in the Chamber, the Senator from Alabama (Mr. SPARKMAN). It meets with full approval all around. Would the Senator from Mississippi be averse to having a vote on that at, say 10:20 a.m. tomorrow, which would be right after the morning hour?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is this a vote on a bill?

Mr. MANSFIELD. A vote on the treaty, before the pending bill is laid before the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement later reduced to writing, is as follows:

Ordered, that at 10:20 a.m. on Saturday, February 28, 1970, the Senate proceed to vote on the resolution of ratification to the conventions on intellectual and industrial property (Ex. A, 91st Cong, 1st Sess.).

EXECUTIVE SESSION: CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION AND PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session for the purpose of considering Executive A, 91st Congress, first session, having to do with intellectual and industrial property conventions.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of Executive A, 91st Congress, first session, a convention establishing the World Intellectual Property Organization and Paris Convention for the Protection of Industrial Property, as revised, which was read the second time, as follows:

CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION, SIGNED AT STOCKHOLM ON JULY 14, 1967

The Contracting Parties,

Desiring to contribute to better understanding and cooperation among States for their mutual benefit on the basis of respect for their sovereignty and equality,

Desiring, in order to encourage creative activity, to promote the protection of intellectual property throughout the world,

Desiring to modernize and render more efficient the administration of the Unions established in the fields of the protection of industrial property and the protection of literary and artistic works, while fully respecting the independence of each of the Unions,

Agree as follows:

ARTICLE 1

ESTABLISHMENT OF THE ORGANIZATION

The World Intellectual Property Organization is hereby established.

ARTICLE 2

DEFINITIONS

For the purposes of this Convention:

(i) "Organization" shall mean the World Intellectual Property Organization (WIPO);

(ii) "International Bureau" shall mean the International Bureau of Intellectual Property;

(iii) "Paris Convention" shall mean the Convention for the Protection of Industrial Property signed on March 20, 1883, including any of its revisions;

(iv) "Berne Convention" shall mean the Convention for the Protection of Literary and Artistic Works signed on September 9, 1886, including any of its revisions;

(v) "Paris Union" shall mean the International Union established by the Paris Convention;

(vi) "Berne Union" shall mean the International Union established by the Berne Convention;

(vii) "Unions" shall mean the Paris Union, the Special Unions and Agreements established in relation with that Union, the Berne Union, and any other international agreement designed to promote the protection of intellectual property whose administration is assumed by the Organization according to Article 4(iii);

(viii) "intellectual property" shall include the rights relating to:

—literary, artistic and scientific works,

—performances of performing artists, phonograms, and broadcasts.

—inventions in all fields of human endeavor,

—scientific discoveries,

—industrial designs,

—trademarks, service marks, and commercial names and designations,

—protection against unfair competition, and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

ARTICLE 3

OBJECTIVES OF THE ORGANIZATION

The objectives of the Organization are:

(i) to promote the protection of intellectual property throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization,

(ii) to ensure administrative cooperation among the Unions.

ARTICLE 4

FUNCTIONS

In order to attain the objectives described in Article 3, the Organization, through its appropriate organs, and subject to the competence of each of the Unions:

(i) shall promote the development of measures designed to facilitate the efficient protection of intellectual property throughout the world and to harmonize national legislation in this field;

(ii) shall perform the administrative tasks of the Paris Union, the Special Unions established in relation with that Union, and the Berne Union;

(iii) may agree to assume, or participate in, the administration of any other international agreement designed to promote the protection of intellectual property;

(iv) shall encourage the conclusion of international agreements designed to promote the protection of intellectual property;

(v) shall offer its cooperation to States requesting legal-technical assistance in the field of intellectual property;

(vi) shall assemble and disseminate information concerning the protection of intellectual property, carry out and promote studies in this field, and publish the results of such studies;

(vii) shall maintain services facilitating the international protection of intellectual property and, where appropriate, provide for registration in this field and the publication of the data concerning the registrations;

(viii) shall take all other appropriate action.

ARTICLE 5

MEMBERSHIP

(1) Membership in the Organization shall be open to any State which is a member of any of the Unions as defined in Article 2(vii).

(2) Membership in the Organization shall be equally open to any State not a member of any of the Unions, provided that:

(i) it is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency or is a party to the Statute of the International Court of Justice, or

(ii) it is invited by the General Assembly to become a party to this Convention.

ARTICLE 6

GENERAL ASSEMBLY

(1)(a) There shall be a General Assembly consisting of the States party to this Convention which are members of any of the Unions.

(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The General Assembly shall:

(i) appoint the Director General upon nomination by the Coordination Committee;

(ii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iii) review and approve the reports and activities of the Coordination Committee and give instruction to such Committee;

(iv) adopt the triennial budget of expenses common to the Unions;

(v) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4 (iii);

(vi) adopt the financial regulations of the Organization;

(vii) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

(viii) invite States referred to under Arti-

cle 5(2)(ii) to become party to this Convention;

(ix) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) exercise such other functions as are appropriate under this Convention.

(3)(a) Each State, whether member of one or more Unions, shall have one vote in the General Assembly.

(b) One-half of the States members of the General Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of subparagraphs (e) and (f), the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.

(e) The approval of measures concerning the administration of international agreements referred to in Article 4(iii) shall require a majority of three-fourths of the votes cast.

(f) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.

(g) For the appointment of Director General (paragraph (2)(i)), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2)(v)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.

(h) Abstentions shall not be considered as votes.

(i) A delegate may represent, and vote in the name of, one State only.

(4)(a) The General Assembly shall meet once in every third calendar year in ordinary session, upon convocation by the Director General.

(b) The General Assembly shall meet in extraordinary session upon convocation by the Director General either at the request of the Coordination Committee or at the request of one-fourth of the States members of the General Assembly.

(c) Meetings shall be held at the headquarters of the Organization.

(5) States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers.

(6) The General Assembly shall adopt its own rules of procedure.

ARTICLE 7

CONFERENCE

(1)(a) There shall be a Conference consisting of the States party to this Convention whether or not they are members of any of the Unions.

(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The Conference shall:

(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;

(ii) adopt the triennial budget of the Conference;

(iii) within the limits of the budget of the Conference, establish the triennial program of legal-technical assistance;

(iv) adopt amendments to this Convention as provided in Article 17;

(v) determine which States not Members of the Organization and which intergovernmental and international nongovernmental organizations shall be admitted to its meetings as observers;

(vi) exercise such other functions as are appropriate under this Convention.

(3)(a) Each Member State shall have one vote in the Conference.

(b) One-third of the Member States shall constitute a quorum.

(c) Subject to the provisions of Article 17, the Conference shall make its decisions by a majority of two-thirds of the votes cast.

(d) The amounts of the contributions of States party to this Convention not members of any of the Unions shall be fixed by a vote in which only the delegates of such States shall have the right to vote.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one State only.

(4)(a) The Conference shall meet in ordinary session, upon convocation by the Director General, during the same period and at the same place as the General Assembly.

(b) The Conference shall meet in extraordinary session, upon convocation by the Director General, at the request of the majority of the Member States.

(5) The Conference shall adopt its own rules of procedure.

ARTICLE 8

COORDINATION COMMITTEE

(1)(a) There shall be a Coordination Committee consisting of the States party to this Convention which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both. However, if either of these Executive Committees is composed of more than one-fourth of the number of the countries members of the Assembly which elected it, then such Executive Committee shall designate from among its members the States which will be members of the Coordination Committee, in such a way that their number shall not exceed the one-fourth referred to above, it being understood that the country on the territory of which the Organization has its headquarters shall not be included in the computation of the said one-fourth.

(b) The Government of each State member of the Coordination Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) Whenever the Coordination Committee considers either matters of direct interest to the program or budget of the Conference and its agenda, or proposals for the amendment of this Convention which would affect the rights or obligations of States party to this Convention not members of any of the Unions, one-fourth of such States shall participate in the meetings of the Coordination Committee with the same rights as members of that Committee. The Conference shall, at each of its ordinary session, designate these States.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) If the other Unions administered by the Organization wish to be represented as such in the Coordination Committee, their representatives must be appointed from among the States members of the Coordination Committee.

(3) The Coordination Committee shall:

(i) give advice to the organs of the Unions, the General Assembly, the Conference, and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;

(ii) prepare the draft agenda of the General Assembly;

(iii) prepare the draft agenda and the draft program and budget of the Conference;

(iv) on the basis of the triennial budget of expenses common to the Unions and the triennial budget of the Conference, as well as on the basis of the triennial program of legal-technical assistance, establish the corresponding annual budgets and programs;

(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;

(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;

(vii) perform such other functions as are allocated to it under this Convention.

(4)(a) The Coordination Committee shall meet once every year in ordinary session, upon convocation by the Director General. It shall normally meet at the headquarters of the Organization.

(b) The Coordination Committee shall meet in extraordinary session, upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(5)(a) Each State, whether a member of one or both of the Executive Committees referred to in paragraph (1)(a), shall have one vote in the Coordination Committee.

(b) One-half of the members of the Coordination Committee shall constitute a quorum.

(c) A delegate may represent, and vote in the name of, one State only.

(6)(a) The Coordination Committee shall express its opinions and make its decisions by a simple majority of the votes cast. Abstentions shall not be considered as votes.

(b) Even if a simple majority is obtained, any member of the Coordination Committee may, immediately after the vote, request that the votes be the subject of a special recount in the following manner: two separate lists shall be prepared, one containing the names of the States members of the Executive Committee of the Paris Union and the other the names of the States members of the Executive Committee of the Berne Union; the vote of each State shall be inscribed opposite its name in each list in which it appears. Should this special recount indicate that a simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.

(7) Any State Member of the Organization which is not a member of the Coordination Committee may be represented at the meetings of the Committee by observers having the right to take part in the debates but without the right to vote.

(8) The Coordination Committee shall establish its own rules of procedure.

ARTICLE 9

INTERNATIONAL BUREAU

(1) The International Bureau shall be the Secretariat of the Organization.

(2) The International Bureau shall be directed by the Director General, assisted by two or more Deputy Directors General.

(3) The Director General shall be appointed for a fixed term, which shall be not less than six years. He shall be eligible for reappointment for fixed terms. The period of the initial appointment and possible subsequent appointments, as well as all other conditions of the appointment, shall be fixed by the General Assembly.

(4) (*a*) The Director General shall be the chief executive of the Organization.

(*b*) He shall represent the Organization.

(*c*) He shall report to, and conform to the instructions of, the General Assembly as to the internal and external affairs of the Organization.

(5) The Director General shall prepare the draft programs and budgets and periodical reports on activities. He shall transmit them to the Governments of the interested States and to the competent organs of the Unions and the Organization.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the General Assembly, the Conference, the Coordination Committee, and any other committee or working group. The Director General or a staff member designated by him shall be ex officio secretary of these bodies.

(7) The Director General shall appoint the staff necessary for the efficient performance of the tasks of the International Bureau. He shall appoint the Deputy Directors General after the approval by the Coordination Committee. The conditions of employment shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director General. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(8) The nature of the responsibilities of the Director General and of the staff shall be exclusively international. In the discharge of their duties they shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General and the staff, and not to seek to influence them in the discharge of their duties.

ARTICLE 10

HEADQUARTERS

(1) The headquarters of the Organization shall be at Geneva.

(2) Its transfer may be decided as provided for in Article 6(3) (*d*) and (*g*).

ARTICLE 11

FINANCES

(1) The Organization shall have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference.

(2) (*a*) The budget of expenses common to the Unions shall include provision for expenses of interest to several Unions.

(*b*) This budget shall be financed from the following sources:

(i) contributions of the Unions, provided that the amount of the contribution of each Union shall be fixed by the Assembly of that Union, having regard to the interest the Union has in the common expenses;

(ii) charges due for services performed by the International Bureau not in direct relation with any of the Unions or not received for services rendered by the International Bureau in the field of legal-technical assistance;

(iii) sale of, or royalties on, the publications of the International Bureau not directly concerning any of the Unions;

(iv) gifts, bequests, and subventions, given to the Organization, except those referred to in paragraph (3) (*b*) (iv);

(v) rents, interests, and other miscellaneous income, of the Organization.

(3) (*a*) The budget of the Conference shall include provision for the expenses of holding sessions of the Conference and for the cost of the legal-technical assistance program.

(b) This budget shall be financed from the following sources:

(i) contributions of States party to this Convention not members of any of the Unions;

(ii) any sums made available to this budget by the Unions, provided that the amount of the sum made available by each Union shall be fixed by the Assembly of that Union and that each Union shall be free to abstain from contributing to the said budget;

(iii) sums received for services rendered by the International Bureau in the field of legal-technical assistance;

(iv) gifts, bequests, and subventions, given to the Organization for the purposes referred to in subparagraph (a).

(4) (a) For the purpose of establishing its contribution towards the budget of the Conference, each State party to this Convention not member of any of the Unions shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class A	10
Class B	3
Class C	1

(b) Each such State shall, concurrently with taking action as provided in Article 14(1), indicate the class to which it wishes to belong. Any such State may change class. If it chooses a lower class, the State must announce it to the Conference at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(c) The annual contribution of each such State shall be an amount in the same proportion to the total sum to be contributed to the budget of the Conference by all such States as the number of its units is to the total of the units of all the said States.

(d) Contributions shall become due on the first of January of each year.

(e) If the budget is not adopted before the beginning of a new financial period, the budget shall be at the same level as the budget of the previous year, in accordance with the financial regulations.

(5) Any State party to this Convention not member of any of the Unions which is in arrears in the payment of its financial contributions under the present Article, and any State party to this Convention member of any of the Unions which is in arrears in the payment of its contributions to any of the Unions, shall have no vote in any of the bodies of the Organization of which it is a member, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any of these bodies may allow such a State to continue to exercise its vote in that body if, and as long as, it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

(6) The amount of the fees and charges due for services rendered by the International Bureau in the field of legal-technical assistance shall be established, and shall be reported to the Coordination Committee, by the Director General.

(7) The Organization, with the approval of the Coordination Committee, may receive gifts, bequests, and subventions, directly from Governments, public or private institutions, associations or private persons.

(8) (*a*) The Organization shall have a working capital fund which shall be constituted by a single payment made by the Unions and by each State party to this Convention not member of any Union. If the fund becomes insufficient, it shall be increased.

(*b*) The amount of the single payment of each Union and its possible participation in any increase shall be decided by its Assembly.

(*c*) The amount of the single payment of each State party to this Convention not member of any Union and its part in any increase shall be a proportion of the contribution of that State for the year in which the fund is established or the increase decided. The proportion and the terms of payment shall be fixed by the Conference on the proposal of the Director General and after it has heard the advice of the Coordination Committee.

(9) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat on the Coordination Committee.

(b) The State referred to in subparagraph (*a*) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(10) The auditing of the accounts shall be effected by one or more Member States, or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the General Assembly.

ARTICLE 12

LEGAL CAPACITY; PRIVILEGES AND IMMUNITIES

(1) The Organization shall enjoy on the territory of each Member State, in conformity with the laws of that State, such legal capacity as may be necessary for the fulfillment of the Organization's objectives and for the exercise of its functions.

(2) The Organization shall conclude a headquarters agreement with the Swiss Confederation and with any other State in which the headquarters may subsequently be located.

(3) The Organization may conclude bilateral or multilateral agreements with the other Member States with a view to the enjoyment by the Organization, its officials, and representatives of all Member States, of such privileges and immunities as may be necessary for the fulfillment of its objectives and for the exercise of its functions.

(4) The Director General may negotiate and, after approval by the Coordination Committee, shall conclude and sign on behalf of the Organization the agreements referred to in paragraphs (2) and (3).

ARTICLE 13

RELATIONS WITH OTHER ORGANIZATIONS

(1) The Organization shall, where appropriate, establish working relations and cooperate with other intergovernmental or-

ganizations. Any general agreement to such effect entered into with such organizations shall be concluded by the Director General after approval by the Coordination Committee.

(2) The Organization may, on matters within its competence, make suitable arrangements for consultation and cooperation with international non-governmental organizations and, with the consent of the Governments concerned, with national organizations, governmental or non-governmental. Such arrangements shall be made by the Director General after approval by the Coordination Committee.

ARTICLE 14

BECOMING PARTY TO THE CONVENTION

(1) States referred to in Article 5 may become party to this Convention and Member of the Organization by:

(i) signature without reservation as to ratification, or

(ii) signature subject to ratification followed by the deposit of an instrument of ratification, or

(iii) deposit of an instrument of accession.

(2) Notwithstanding any other provision of this Convention, a State party to the Paris Convention, the Berne Convention, or both Conventions, may become party to this Convention only if it concurrently ratifies or accedes to, or only after it has ratified or acceded to:

either the Stockholm Act of the Paris Convention in its entirety or with only the limitation set forth in Article 20(1)(b)(i) thereof, or the Stockholm Act of the Berne Convention in its entirety or with only the limitation set forth in Article 28(1)(b)(i) thereof.

(3) Instruments of ratification or accession shall be deposited with the Director General.

ARTICLE 15

ENTRY INTO FORCE OF THE CONVENTION

(1) This Convention shall enter into force three months after ten States members of the Paris Union and seven States members of the Berne Union have taken action as provided in Article 14(1), it being understood that, if a State is a member of both Unions it will be counted in both groups. On that date, this Convention shall enter into force also in respect of States which, not being members of either of the two Unions, have taken action as provided in Article 14(1) three months or more prior to that date.

(2) In respect to any other State, this Convention shall enter into force three months after the date on which such State takes action as provided in Article 14(1).

ARTICLE 16

RESERVATIONS

No reservations to this Convention are permitted.

ARTICLE 17

AMENDMENTS

(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the Conference.

(2) Amendments shall be adopted by the Conference. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the Conference shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the Conference adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.

ARTICLE 18

DENUNCIATION

(1) Any Member State may denounce this Convention by notification addressed to the Director General.

(2) Denunciation shall take effect six months after the day on which the Director General has received the notification.

ARTICLE 19

NOTIFICATIONS

The Director General shall notify the Governments of all Member States of:

(i) the date of entry into force of the Convention,

(ii) signatures and deposits of instruments of ratification or accession,

(iii) acceptances of an amendment to this Convention, and the date upon which the amendment enters into force,

(iv) denunciations of this Convention.

ARTICLE 20

FINAL PROVISIONS

(1)(a) This Convention shall be signed in a single copy in English, French, Russian and Spanish, all texts being equally authentic, and shall be deposited with the Government of Sweden.

(b) This Convention shall remain open for signature at Stockholm until January 13, 1968.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Italian and Portuguese, and such other languages as the Conference may designate.

(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the Conference to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.

(4) The Director General shall register this Convention with the Secretariat of the United Nations.

ARTICLE 21

TRANSITIONAL PROVISIONS

(1) Until the first Director General assumes office, references in this Convention to the International Bureau or to the Director General shall be deemed to be references to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (also called the United International Bureaux for the Protection of Intellectual property (BPRPI)), or its Director, respectfully.

(2)(a) States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of the General Assembly and the Conference until the expiration of the said period.

(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, the Conference, and the Coordination Committee.

(c) Upon becoming party to this Convention, such States shall regain such right to vote.

(3)(a) As long as there are States members of the Paris or Berne Unions which have not become party to this Convention, the International Bureau and the Director General shall also function as the United International Bureaux for the Protection of Industrial, Literary and Artistic Property, and its Director, respectively.

(b) The staff in the employment of the said Bureaux on the date of entry into force of this Convention shall, during the transitional period referred to in subparagraph (a), be considered as also employed by the International Bureau.

(4)(a) Once all the States members of the Paris Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

(b) Once all the States members of the Berne Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Stockholm, on July 14, 1967.

For Afghanistan:

For South Africa:
(Subject to ratification)
T. SCHOEMAN

For Albania:

For Algeria:
(Sous réserve de ratification)
A. HACENE

For Saudi Arabia:

For Argentina:

For Australia:

For Austria:
(Sous réserve de ratification)
GOTTFRIED H. THALER
Dr. ROBERT DITTRICH

For Barbados:

For Belgium:
(Sous réserve de ratification)
BON F. COGELS

For Burma:

For Bolivia:

For Botswana:

For Brazil:

For Bulgaria:
V. CHIVAROV 11.I.1968 g.
(Translation) Subject to ratification. The People's Republic of Bulgaria is making a statement on the wording of Article 5 of the Convention expressed in note verbale sub. No. 31 of January 11 of the Bulgarian Embassy at Stockholm presented to the Ministry of Foreign Affairs of the Kingdom of Sweden.

For Burundi:

For Cambodia:

For Cameroon:
(Sous réserve de ratification)
D. EKANI

For Canada:

For Ceylon:

For Chile:

For Cyprus:
For Colombia:
For the Congo (Brazzaville):
For the Congo (Democratic Republic of):
(Sous réserve de ratification)
G. MULENDA
For Coasta Rica:
For the Ivory Coast:
(Sous réserve de ratification)
BILL
For Cuba:
For Dahomey:
For Denmark:
(Sous réserve de ratification)
J. PALUDAN
For El Salvador:
For Ecuador:
(Sujeto a ratificación)
E. SANCHEZ
For Spain:
(Ad referendum)
J. F. ALCOVER
ELECTO J. GARCIA TEJEDOR
For the United States of America:
(Subject to ratification)
EUGENE M. BRADERMAN
For Ethiopia:
For Finland:
(Subject to ratification)
PAUL GUSTAFSSON
For France:
(Sous réserve de ratification)
B. DE MENTHON
For Gabon:
(Sous réserve de ratification)
J. F. OYOUÉ
For Gambia:
For Ghana:
For Greece:
(Ad referendum)
J. A. DRACOULIS
For Guatemala:
For Guinea:
For Guyana:
For Haiti:
For the Upper Volta:
For Honduras:
For Hungary:
(Subject to ratification)
ESZTERGÁLYOS 12/1/1968
For the Maldive Islands:
For India:
For Indonesia:
(Subject to ratification)
IBRAHIM JASIN 12th January 1968
For Iraq:
For Iran:
(Sous réserve de ratification)
A. DARAÏ
For Ireland:
VALENTIN IREMONGER 12 January 1968
For Iceland:
(Subject to ratification)
ARNI TRYGGVASON
For Israel:
(Subject to ratification)
G. GAVRIELI
Z. SHER
For Italy:
(Sous réserve de ratification)
CIPPICO
GIORGIO RANZI
For Jamaica:
For Japan:
(Subject to ratification)
M. TAKAHASHI
C. KAWADE
K. ADACHI
For Jordan:
For Kenya:
(Subject to ratification)
M. K. MWENDWA
For Kuwait:
For Laos:
For Lesotho:
For Lebanon:
For Liberia:
For Liechtenstein:
(Subject to ratification)
MARIANNE MARXER
For Luxembourg:
(Sous réserve de ratification)
J. P. HOFFMANN
For Madagascar:
(Sous réserve de ratification)
RATOVONDRIAKA
For Malaysia:
For Malawi:
For Mali:
For Malta:
For Morocco:
(Sous réserve de ratification)
H'SSAINE
For Mauritania:
For Mexico:
(Bajo reservo de ratificación)
E. ROJAS Y BENAVIDES
For Monaco:
(Sous réserve de ratification)
J. M. NOTARI
For Mongolia:
For Nepal:
For Nicaragua:
For Niger:
(Sous réserve de ratification)
A. WRIGHT
For Nigeria:
For Norway:
(Subject to ratification)
JENS EVENSEN
B. STUEVOLD LASSEN
For New Zealand:
For Uganda:
For Pakistan:
For Panama:
For Paraguay:
For the Netherlands:
(Sous réserve de ratification)
GERBRANDY
W. G. BELINFANTE
For Peru:
(Ad Referendum)
J. FERNANDEZ DÁVILA
For the Philippines:
(Subject to ratification)
LAURO BAJA
For Poland:
M. KAJZER
(Translation) January 10, 1968. Subject to later ratification and with the statement made in the note of January 10, 1968 of the Embassy of the Polish People's Republic at Stockholm.
For Portugal:
(Sous réserve de ratification)
ADRIANO DE CARVALHO
JOSÉ DE OLIVIERA ASCENSÃO
RUY ALVARO COSTA DE MORAIS SERRÃO
For the United Arab Republic:
For the Central African Republic:
(Sous réserve de ratification)
L. P. GAMBA
For the Republic of Korea:
For the Dominican Republic:
For the Federal Republic of Germany:
(Sous réserve de ratification)
KURT HAERTEL
EUGEN ULMER
For the Byelorussian Soviet Socialist Republic:
MALTSEV. November 16, 1967
(Translation) The Convention is subject to later ratification.
For the Ukrainian Soviet Socialist Republic:
MALTSEV. November 16, 1967
(Translation) The Convention is subject to later ratification by the Presidium of the Supreme Council of the Ukrainian Soviet Socialist Republic.
For the United Republic of Tanzania:
For the Republic of Viet-Nam:
For Romania:
(Sous réserve de ratification)
C. STANESCU
L. MARINETE
T. PREDA
For the United Kingdom of Great Britain and Northern Ireland:
(Subject to ratification)
GORDON GRANT
WILLIAM WALLACE
For Rwanda:
For San Marino:
For the Holy See:
(Sous réserve de ratification)
GUNNAR STERNER
For Western Samoa:
For Senegal:
(Sous réserve de ratification)
A. SECK
For Sierra Leone:
For Singapore:
For Somalia:
For the Sudan:
For Sweden:
(Sous réserve de ratification)
HERMAN KLING
For Switzerland:
(Sous réserve de ratification)
HANS MORF
JOSEPH VOYAME
For Syria:
For Chad:
For Czechoslovakia:
For Thailand:
For Togo:
For Trinidad and Tobago:
For Tunisia:
(Sous réserve de ratification)
M. KEDADI
For Turkey:
For the Union of Soviet Socialist Republics:
MALTSEV. October 12, 1967
(Translation) The above Convention is subject to later ratification by the Union of Soviet Socialist Republics.
For Uruguay:
For Venezuela:
For Yugoslavia:
(Sous réserve de ratification)
A. JELIC
For Zambia:

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883

As Revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967

ARTICLE 1

[Establishment of the Union; Scope of Industrial Property] [1]

(1) The countries to which this Convention applies constitute a Union for the protection of industrial property.

(2) The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

(4) Patents shall include the various kinds of industrial patents recognized by the laws of the countries of the Union such as patents of importation, patents of improvements, patents and certificates of addition, etc.

ARTICLE 2

[National Treatment for Nationals of Countries of the Union]

(1) Nationals of any country of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant,

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[1] Articles have been given titles to facilitate their identification. There are no titles in the signed (French) text.

to nationals; all without prejudice to the rights specially provided for by this Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided that the conditions and formalities imposed upon nationals are complied with.

(2) However, no requirement as to domicile or establishment in the country where protection is claimed may be imposed upon nationals of countries of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and to jurisdiction, and to the designation of an address for service or the appointment of an agent, which may be required by the laws on industrial property are expressly reserved.

ARTICLE 3

[Same Treatment for Certain Categories of Persons as for Nationals of Countries of the Union]

Nationals of countries outside the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be treated in the same manner as nationals of the countries of the Union.

ARTICLE 4

[A to I. Patents, Utility Models, Industrial Designs, Marks, Inventors' Certificates: Right of Priority.—G. Patents: Division of the Application]

A. (1) Any person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successor in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter fixed.

(2) Any filing that is equivalent to a regular national filing under the domestic legislation of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to the right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the subsequent fate of the application.

B. Consequently, any subsequent filing in any of the other countries of the Union before the expiration of the periods referred to above shall not be invalidated by reason of any acts accomplished in the interval, in particular, another filing, the publication or exploitation of the invention, the putting on sale of copies of the design, or the use of the mark, and such acts cannot give rise to any third-party right or any right of personal possession. Rights acquired by third parties before the date of the first application that serves as the basis for the right of priority are reserved in accordance with the domestic legislation of each country of the Union.

C. (1) The periods of priority referred to above shall be twelve months for patents and utility models, and six months for industrial designs and trademarks.

(2) These periods shall start from the date of filing of the first application; the date of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application concerning the same subject as a previous first application within the meaning of paragraph (2), above, filed in the same country of the Union, shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, if, at the time of filing the subsequent application, the said previous application has been withdrawn, abandoned, or refused, without having been laid open to public inspection and without leaving any rights outstanding, and if it has not yet served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

D. (1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country shall determine the latest date on which such declaration must be made.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (description, drawings, etc.) previously filed. The copy, certified as correct by the authority which received such application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each country of the Union shall determine the consequences of failure to comply with the formalities prescribed by this Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required.

Any person who avails himself of the priority of a previous application shall be required to specify the number of that application; this number shall be published as provided for by paragraph (2), above.

E. (1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be the same as that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F. No country of the Union may refuse a priority or a patent application on the ground that the applicant claims multiple priorities, even if they originate in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the application or applications whose priority is claimed, the filing of the subsequent application shall give rise to a right of priority under ordinary conditions.

G. (1) If the examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application and preserve as the date of each divisional application the date of the initial application and the benefit of the right of priority if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorized.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

I. (1) Applications for inventors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate shall give rise to the right of priority provided for by this Article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this Article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model, or an inventor's certificate.

ARTICLE 4(a)

[Patents: Independence of Patents Obtained for the Same Invention in Different Countries]

(1) Patents applied for in the various countries of the Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) The foregoing provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for nullity and forfeiture, and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents in existence on either side at the same time of accession.

(5) Patents obtained with the benefit of priority shall, in the various countries of the Union, have a duration equal to that which they would have, had they been applied for or granted without the benefit of priority.

ARTICLE 4(b)

[Patents: Mention of the Inventor in the Patient]

The inventor shall have the right to be mentioned as such in the patent.

ARTICLE 4(c)

[Patents: Patentability in Case of Restrictions of Sale by Law]

The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of a patented process is subject to restrictions or limitations resulting from the domestic law.

ARTICLE 5

[A. Patents: Importation of Articles; Failure to Work or Insufficient Working; Compulsory Licenses.—B. Industrial Designs: Failure to Work; Importation of Articles.—C. Marks: Failure to Use; Different Forms; Use by Co-proprietors.—D. Patents, Utility Models, Marks, Industrial Designs: Making]

A. (1) Importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail forfeiture of the patent.

(2) Each country of the Union shall have the right to take legislative measures providing for the grant of compulsory licenses to prevent the abuses which might result

from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

(3) Forfeiture of the patent shall not be provided for except in cases where the grant of compulsory licenses would not have been sufficient to prevent the said abuses. No proceedings for the forfeiture or revocation of a patent may be instituted before the expiration of two years from the grant of the first compulsory license.

(4) A compulsory license may not be applied for on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period expires last; it shall be refused if the patentee justifies his inaction by legitimate reasons. Such a compulsory license shall be non-exclusive and shall not be transferable, even in the form of the grant of a sub-license, except with that part of the enterprise or goodwill which exploits such license.

(5) The foregoing provisions shall be applicable, mutatis mutandis, to utility models.

B. The protection of industrial designs shall not, under any circumstance, be subject to any forfeiture, either by reason of failure to work or by reason of the importation of articles corresponding to those which are protected.

C. (1) If, in any country, use of the registered mark is compulsory, the registration may be cancelled only after a reasonable period, and then only if the person concerned does not justify his inaction.

(2) Use of a trademark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) Concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the domestic law of the country where protection is claimed shall not prevent registration or diminish in any way the protection granted to the said mark in any country of the Union, provided that such use does not result in misleading the public and is not contrary to the public interest.

D. No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design, shall be required upon the goods as a condition of recognition of the right to protection.

ARTICLE 5(a)

[All Industrial Property Rights: Period of Grace for the Payment of Fees for the Maintenance of Rights; Patents: Restoration]

(1) A period of grace of not less than six months shall be allowed for the payment of the fees prescribed for the maintenance of industrial property rights, subject, if the domestic legislation so provides, to the payment of a surcharge.

(2) The countries of the Union shall have the right to provide for the restoration of patents which have lapsed by reason of non-payment of fees.

ARTICLE 5(b)

[Patents: Patented Devices Forming Part of Vessels, Aircraft, or Land Vehicles]

In any country of the Union the following shall not be considered as infringements of the rights of a patentee:

1. the use on board vessels of other countries of the Union of devices forming the subject of his patent in the body of the vessel in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the said country, provided that such devices are used there exclusively for the needs of the vessel;

2. the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the said country.

ARTICLE 5(c)

[Patents: Importation of Products Manufactured by a Process Patented in the Importing Country]

When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, that are accorded to him by the legislation of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

ARTICLE 5(d)

[Industrial Designs]

Industrial designs shall be protected in all the countries of the Union.

ARTICLE 6

[Marks: Conditions of Registration; Independence of Protection of Same Mark in Different Countries]

(1) The conditions for the filing and registration of trademarks shall be determined in each country of the Union by its domestic legislation.

(2) However, an application for the registration of a mark filed by a national of a country of the Union in any country of the Union may not be refused, nor may a registration be invalidated, on the ground that filing, registration, or renewal, has not been effected in the country of origin.

(3) A mark duly registered in a country of the Union shall be regarded as independent of marks registered in the other countries of the Union, including the country of origin.

ARTICLE 6(a)

[Marks: Well-Known Marks]

(1) The countries of the Union undertake, ex officio if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for requesting the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be requested.

(3) No time limit shall be fixed for requesting the cancellation or the prohibition of the use of marks registered or used in bad faith.

ARTICLE 6(b)

[Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations]

(1) (*a*) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view.

(*b*) The provisions of subparagraph (*a*), above, shall apply equally to armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags, other emblems, abbreviations, and names, that are already the subject of international agreements in force, intended to ensure their protection.

(*c*) No country of the Union shall be required to apply the provisions of subparagraph (*b*), above, to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country; of this Convention. The countries of the Union shall not be required to apply the said provisions when the use of registration referred to in subparagraph (*a*), above, is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations, and names, or if such use or registration is probably not of such a nature as to mislead the public as to the existence of a connection between the user and the organization.

(2) Prohibition of the use of official signs and hallmarks indicating control and warranty shall apply solely in cases where the marks in which they are incorporated are intended to be used on goods of the same or a similar kind.

(3) (*a*) For the application of these provisions, the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau, the list of State emblems, and official signs and hallmarks indicating control and warranty, which they desire, or may hereafter desire, to place wholly or within certain limits under the protection of this Article, and all subsequent modifications of such list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless such communication is not obligatory in respect of flags of States.

(*b*) The provisions of subparagraph (*b*) of paragraph (1) of this Article shall apply only to such armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations as the latter have communicated to the countries of the Union through the intermediary of the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the notification, transmit its objections, if any, through the intermediary of the International Bureau, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1), above, shall apply solely to marks registered after November 6, 1925.

(6) In the case of State emblems other than flags, and of official signs and hallmarks of the countries of the Union, and in the case of armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations, these provisions shall apply only to marks registered more than two months after receipt of the communication provided for in paragraph (3), above.

(7) in cases of bad faith, the countries shall have the right to cancel even those marks incorporating State emblems, signs, and hallmarks, which were registered before November 6, 1925.

(8) Nationals of any country who are authorized to make use of the State emblems, signs, and hallmarks, of their country may use them even if they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the right given in paragraph (3) of Article 6(d), Section B, to refuse or to invalidate the registration of marks incorporating, without authorization, armorial bearings, flags, other State emblems, or official signs and hallmarks adopted by a country of the Union, as well as the distinctive signs of international intergovernmental organizations referred to in paragraph (1), above.

ARTICLE 6(c)

[Marks: Assignment of Marks]

(1) When, in accordance with the law of a country of the Union, the assignment of a mark is valid only if it takes place at the same time as the transfer of the business or goodwill to which the mark belongs, it shall suffice for the recognition of such validity that the portion of the business or goodwill located in that country be transferred to the assignee, together with the exclusive right to manufacture in the said country, or to sell therein, the goods bearing the mark assigned.

(2) The foregoing provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature, or essential qualities, of the goods to which the mark is applied.

ARTICLE 6(d)

[Marks: Protection of Marks Registered in One Country of the Union in the Other Countries of the Union]

A. (1) Every trademark duly registered in the country of origin shall be accepted for filing and protected as is in the other countries of the Union, subject to the reservations indicated in this Article. Such countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No authentication shall be required for this certificate.

(2) Shall be considered the country of origin the country of the Union where the applicant has a real and effective industrial or commercial establishment, or, if he has no such establishment, within the Union, the country of the Union where he has his domicile, or, if he has no domicile within the Union but is a national of a country of the Union, the country of which he is a national.

B. Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

1. when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed;

2. when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or have become customary in the current language or in the bona fide and established practices of the trade if the country where protection is claimed;

3. when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public. It is understood that a mark may not be considered contrary to public order for the sole reason that it does not conform to a provison of the legislation on marks, except if such provision itself relates to public order.

This provision is subject, however, to the application of Article 10(a).

C. (1) In determining whether a mark is eligible for protection, all the factual circumstances must be taken into consideration, particularly the length of time the mark has been in use.

(2) No trademark shall be refused in the other countries of the Union for the sole reason that it differs from the mark protected in the country of origin only in respect of elements that do not alter its distinctive character and do not affect its identity in the form in which it has been registered in the said country of origin.

D. No person may benefit from the provisions of this Article if the mark for which he claims protection is not registered in the country of origin.

E. However, in no case shall the renewal of the registration of the mark in the country of origin involve an obligation to renew the registration in the other countries of the Union in which the mark has been registered.

F. The benefit of priority shall remain unaffected for applications for the registration of marks filed within the period fixed by Article 4, even if registration in the country of origin is effected after the expiration of such period.

ARTICLE 6(e)

[Marks: Service Marks]

The countries of the Union undertake to protect service marks. They shall not be required to provide for the registration of such marks.

ARTICLE 6(f)

[Marks: Registration in the Name of the Agent or Representative of the Proprietor Without the Latter's Authorization]

(1) If the agent or representative of the person who is the proprietor of a mark in one of the countries of the Union applies, without such proprietor's authorization, for the registration of the mark in his own name, in one or more countries of the Union, the proprietor shall be entitled to oppose the registration applied for or demand its cancellation or, if the law of the country so allows, the assignment in his favor of the said registration, unless such agent or representative justifies his action.

(2) The proprietor of the mark shall, subject to the provisions of paragraph (1), above, be entitled to oppose the use of his mark by his agent or representative if he has not authorized such use.

(3) Domestic legislation may provide an equitable time limit within which the proprietor of a mark must exercise the rights provided for in this Article.

ARTICLE 7

[Marks: Nature of the Goods to which the Mark is Applied]

The nature of the goods to which a trademark is to be applied shall in no case form an obstacle to the registration of the mark.

ARTICLE 7(a)

[Marks: Collective Marks]

(1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

ARTICLE 8

[Trade Names]

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.

ARTICLE 9

[Marks, Trade Names: Seizure, on Importation, etc., of Goods Unlawfully Bearing a Mark or Trade Name]

(1) All goods unlawfully bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or trade name is entitled to legal protection

(2) Seizure shall likewise be effected in the country where the unlawful affixation occurred or in the country into which the goods were imported.

(3) Seizure shall take place at the request of the public prosecutor, or any other competent authority, or any interested party, whether a natural person or a legal entity, in conformity with the domestic legislation of each country.

(4) The authorities shall not be bound to effect seizure of goods in transit.

(5) If the legislation of a country does not permit seizure on importation, seizure shall be replaced by prohibition of importation or by seizure inside the country.

(6) If the legislation of a country permits neither seizure on importation nor prohibition of importation nor seizure inside the country, then, until such time as the legislation is modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

ARTICLE 10

[False Indications: Seizur-, on Importation, etc., of Goods Bearing False Indications as to their Source or the Identity of the Producer]

(1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer, or merchant.

(2) Any producer, manufacturer, or merchant, whether a natural person or a legal entity, engaged in the production or manufacture of or trade in such goods and established either in the locality falsely indicated as the source, or in the region where such locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

ARTICLE 10(a)

[Unfair Competition]

(1) The countries of the Union are bound to assure to nationals of such countries effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;

2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor;

3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods.

ARTICLE 10(b)

[Marks, Trade Names, False Indications, Unfair Competition: Remedies, Right to Sue]

(1) The countries of the Union undertake to assure to nationals of the other countries

of the Union appropriate legal remedies effectively to repress all the acts referred to in Articles 9, 10, and 10(a).

(2) They undertake, further, to provide measures to permit federations and associations representing interested industrialists, producers, or merchants, provided that the existence of such federations and associations is not contrary to the laws of their countries, to take action in the courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10, and 10(a), in so far as the law of the country in which protection is claimed allows such action by federations and associations of that country.

ARTICLE 11

[Inventions, Utility Models, Industrial Designs, Marks: Temporary Protection at Certain International Exhibitions]

(1) The countries of the Union shall, in conformity with their domestic legislation grant temporary protection to patentable inventions, utility models, industrial designs, and trademarks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of any of them.

(2) Such temporary protection shall not extend the periods provided by Article 4. If, later, the right of priority is invoked, the authorities of any country may provide that the period shall start from the date of introduction of the goods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such documentary evidence as it considers necessary.

ARTICLE 12

[Special National Industrial Property Services]

(1) Each country of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs, and trademarks.

(2) This service shall publish an official periodical journal. It shall publish regularly:

(a) the names of the proprietors of patents granted, with a brief designation of the inventions patented;

(b) the reproductions of registered trademarks.

ARTICLE 13

[Assembly of the Union]

(1) (a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 13 to 17.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Convention;

(ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 13 to 17;

(iii) review and approve the reports and activities of the Director General of the Organization concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(iv) elect the members of the Executive Committee of the Assembly;

(v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;

(vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees of experts and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) determine which countries not members of the Union and which intergovernmental and international nongovernmental organizations shall be admitted to its meetings as observers;

(x) adopt amendments to Articles 13 to 17;

(xi) take any other appropriate action designed to further the objectives of the Union;

(xii) perform such other functions as are appropriate under this Convention;

(xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Subject to the provisions of subparagraph (b), a delegate may represent one country only.

(b) Countries of the Union grouped under the terms of a special agreement in a common office possessing for each of them the character of a special national service of industrial property as referred to in Article 12 may be jointly represented during discussions by one of their number.

(5) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 17(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(5) (a) Subject to the provisions of subparagraph (b), a delegate may vote in the name of one country only.

(b) The countries of the Union referred to in paragraph (3)(b) shall, as a general rule, endeavor to send their own delegations to the sessions of the Assembly. If, however, for exceptional reasons, any such country cannot send its own delegation, it may give to the delegation of another such country the power to vote in its name, provided that each delegation may vote by proxy for one country only. Such power to vote shall be granted in a document signed by the Head of State or the competent Minister.

(6) Countries of the Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(7) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(8) The Assembly shall adopt its own rules of procedure.

ARTICLE 14

[Executive Committee]

(1) The Assembly shall have an Executive Committee.

(2) (a) The Executive Committee shall consist of countries elected by the Assembly from among countries members of the Assembly. Furthermore, the country on whose territory the Organization has its headquarters shall, subject to the provisions of Article 16(7)(b), have an ex officio seat on the Committee.

(b) The Government of each country member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(3) The number of countries members of the Executive Committee shall correspond to one-fourth of the number of countries members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements established in relation with the Union to be among the countries constituting the Executive Committee.

(5) (a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected, but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly:

(ii) submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;

(iii) approve, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Convention.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having

heard the advice of the Coordination Committee of the Organization.

(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(8) (a) Each country member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one country only.

(9) Countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers.

(10) The Executive Committee shall adopt its own rules of procedure.

ARTICLE 15

[International Bureau]

(1) (a) Administrative tasks concerning the Union shall be performed by the International Bureau, which is a continuation of the Bureau of the Union united with the Bureau of the Union established by the International Convention for the Protection of Literary and Artistic Works.

(b) In particular, the International Bureau shall provide the secretariat of the various organs of the Union.

(c) The Director General of the Organization shall be the chief executive of the Union and shall represent the Union.

(2) The International Bureau shall assemble and publish information concerning the protection of industrial property. Each country of the Union shall promptly communicate to the International Bureau all news laws and official texts concerning the protection of industrial property. Furthermore, it shall furnish the International Bureau with all the publications of its industrial property service of direct concern to the protection of industrial property which the International Bureau may find useful in its work.

(3) The International Bureau shall publish a monthly periodical.

(4) The International Bureau shall, on request, furnish any country of the Union with information on matters concerning the protection of industrial property.

(5) The International Bureau shall conduct studies, and shall provide services, designed to facilitate the protection of industrial property.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee, and any other committee of experts or working group. The Director General, or a staff member designated by him, shall be ex officio secretary of these bodies.

(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the conferences of revision of the provisions of the Convention other than Articles 13 to 17.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at these conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 16

[Finances]

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Union shall be financed from the following sources:

(i) contributions of the countries of the Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class I	25
Class II	20
Class III	15
Class IV	10
Class V	5
Class VI	3
Class VII	1

(b) Unless it has already done so, each country shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, the country must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session.

(c) The annual contribution of each country shall be an amount in the same proportion to the total sum to be contributed to the budget of the Union by all countries as the number of its units is to the total of the units of all contributing countries.

(d) Contributions shall become due on the first of January of each year.

(e) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(f) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Union shall be established, and shall be reported to the Assembly and the Executive Committee, by the Director General.

(6) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization. As long as it remains under the obligation to grant advances, such country shall have an ex officio seat on the Executive Committee.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 17

[Amendment of Articles 13 to 17]

(1) Proposals for the amendment of Articles 13, 14, 15, 16, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 13, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.

ARTICLE 18

[Revision of Articles 1 to 12 and 18 to 30]

(1) This Convention shall be submitted to revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For that purpose, conferences shall be held successively in one of the countries

of the Union among the delegates of the said countries.

(3) Amendments to Articles 13 and 17 are governed by the provisions of Article 17.

ARTICLE 19

[Special Agreements]

It is understood that the countries of the Union reserve the right to make separately between themselves special agreements for the protection of industrial property, in so far as these agreements do not contravene the provisions of this Convention.

ARTICLE 20

[Ratification or Accession by Countries of the Union; Entry Into Force]

(1)(a) Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification and accession shall be deposited with the Director General.

(b) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply:

(i) to Articles 1 to 12, or

(ii) to Articles 13 to 17.

(c) Any country of the Union which, in accordance with subparagraph (b) has excluded from the effects of its ratification or accession one of the two groups of Articles referred to in that subparagraph may at any later time declare that it extends the effects of its ratification or accession to that group of Articles. Such declaration shall be deposited with the Director General.

(2)(a) Articles 1 to 12 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(i), three months after the deposit of the tenth such instrument of ratification or accession.

(b) Articles 13 to 17 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(ii), three months after the deposit of the tenth such instrument of ratification or accession.

(c) Subject to the initial entry into force, pursuant to the provisions of subparagraphs (a) and (b), of each of the two groups of Articles referred to in paragraph (1)(b) (i) and (ii), and subject to the provisions of paragraph (1)(b), Articles 1 to 17 shall, with respect to any country of the Union, other than those referred to in subparagraphs (a) and (b), which deposits an instrument of ratification or accession or any country of the Union which deposits a declaration pursuant to paragraph (1)(c), enter into force three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in the instrument or declaration deposited. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country of the Union which deposits an instrument of ratification or accession, Articles 18 to 30 shall enter into force on the earlier of the dates on which any of the groups of Articles referred to in paragraph (1)(b) enters into force with respect to that country pursuant to paragraph (2) (a), (b), or (c).

ARTICLE 21

[Accession by Countries Outside the Union; Entry Into Force]

(1) Any country outside the Union may accede to this Act and thereby become a member of the Union. Instruments of accession shall be deposited with the Director General.

(2)(a) With respect to any country outside the Union which deposits its instrument of accession one month or more before the date of entry into force of any provisions of the present Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which provisions first enter into force pursuant to Article 20(2) (a) or (b); provided that:

(i) if Articles 1 to 12 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 1 to 12 of the Lisbon Act,

(ii) if Articles 13 to 17 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 13 and 14(3), (4), and (5), of the Lisbon Act.

If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(b) With respect to any country outside the Union which deposits its instrument of accession on a date which is subsequent to, or precedes by less than one month, the entry into force of one group of Articles of the present Act, this Act shall, subject to the proviso of subparagraph (a), enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of the present Act in its entirety, or less than one month before such date, this Act shall enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

ARTICLE 22

[Consequences of Ratification or Accession]

Subject to the possibilities of exceptions provided for in Articles 20(1)(b) and 28(2), ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

ARTICLE 23

[Accession to Earlier Acts]

After the entry into force of this Act in its entirety, a country may not accede to earlier Acts of this Convention.

ARTICLE 24

[Territories]

(1) Any country may declare in its instrument of ratification or accession, or may inform the Director General by written notification any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notification, for the external relations of which it is responsible.

(2) Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3)(a) Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in the instrument of which it was included, and any notification given under such paragraph shall take effect three months after its notification by the Director General.

(b) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

ARTICLE 25

[Implementation of the Convention on the Domestic Level]

(1) Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

(2) It is understood that, at the time a country deposits its instrument of ratification or accession, it will be in a position under its domestic law to give effect to the provisions of this Convention.

ARTICLE 26

[Denunciation]

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Union.

ARTICLE 27

[Application of Earlier Acts]

(1) The present Act shall, as regards the relations between the countries to which it applies, and to the extent that it applies, replace the Convention of Paris of March 20, 1883, and the subsequent Act of revision.

(2)(a) As regards the countries to which the present Act does not apply, or does not apply in its entirety, but to which the Lisbon Act of October 31, 1958, applies, the latter shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(b) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act applies, the London Act of June 2, 1934, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(c) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act, nor the London Act applies, the Hague Act of November 6, 1925, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(3) Countries outside the Union which become party to this Act shall apply it with respect to any country of the Union not party to this Act or which, although party to this Act, has made a declaration pursuant to Article 20(1)(b)(i). Such countries recognize that the said country of the Union may apply, in its relations with them, the provisions of the most recent Act to which it is party.

ARTICLE 28

[Disputes]

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

(2) Each country may, at the time it signs this Act or deposits its instrument of

ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

ARTICLE 29

[Signature, Languages, Depositary Functions]

(1)(a) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the English, German, Italian, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(c) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Article 20(1)(c), entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Article 24.

ARTICLE 30

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be deemed to be references to the Bureau of the Union or its Director, respectively.

(2) Countries of the Union not bound by Articles 13 to 17 may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided under Articles 13 to 17 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

(3) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Act.

DONE at Stockholm, on July 14, 1967.

For South Africa:
T. SCHOEMAN
For Algeria:
Not bound by Article 28, paragraph (1).
A. HACENE
For Argentina:
For Australia:
For Austria:
GOTTFRIED H. THALER
For Belgium:
BON F. COGELS
For Brazil:
For Bulgaria:
V. CHIVAROV

1/11/68 g. The People's Republic of Bulgaria is making a reservation concerning the provisions of Article 28, subparagraph 1, and a statement on the provisions of Article 24 of the Convention, expressed in the note verbale sub. No. 32 of January 11, 1968 of the Bulgarian Embassy at Stockholm presented to the Ministry of Foreign Affairs of the Kingdom of Sweden.

For Cameroon:
EKANI
For Canada:
For Ceylon:
For Cyprus:
For the Congo (Brazzaville):
For the Ivory Coast:
BILE
For Cuba:
A. M. GONZÁLEZ 12/1/68
For Dahomey:
For Denmark:
JULIE OLSEN
For Spain:
J. F. ALCOVER
ELECTO J. GARCIA TEJEDOR
For the United States of America:
EUGENE M. BRADERMAN
For Finland:
PAUL GUSTAFSSON
For France:
B. DE MENTHON
For Gabon:
S. F. OYOUÉ
For Greece:
J. A. DRACOULIS
For Haiti:
For the Upper Volta:
For Hungary:
ESZTERGÁLYOS

12/1/1968 subject to ratification

For Indonesia:
IBRAHIM JASIN

12th January 1968. In signing this Convention the Government of the Republic of Indonesia, in conformity with Article 28(1) of the Convention, declares that it does not consider itself bound by the provisions set forth in Article 28(1) of the said Convention.

For Iran:
A. DARAÏ
For Ireland:
VALENTIN IREMONGER 12 January 1968
For Iceland:
ARNI TRYGGVASON
For Israel:
Z. SHER
G. GAVRIELI
For Italy:
CIPPICO
GIORGIO RANZI
For Japan:
M. TAKAHASHI
C. KAWADE
For Kenya:
M. K. MWENDWA
For Laos:
For Lebanon:
For Liechtenstein:
MARIANNE MARXER
For Luxembourg:
J. P. HOFFMANN
For Madagascar:
RATOVONDRIAKA
For Malawi:
For Morocco:
H'SSAINE
For Mauritania:
For Mexico:
For Monaco:
J. M. NOTARI
For Niger:
A. WRIGHT
For Nigeria:
For Norway:
Subject to ratification
JENS EVENSEN
B. STUEVOLD LASSEN
For New Zealand:
For Uganda:
For the Netherlands:
GERBRANDY
W. G. BELINFANTE
For the Philippines:
LAURO BAJA
For Poland:
M. KAJZER

January 10, 1968, subject to later ratification and with the reservation and the declaration made in the note of January 10, 1968, of the Embassy of the Polish People's Republic of Stockholm.

For Portugal:
ADRIANO DE CARVALHO
JOSÃ DE OLIVEIRA ASCENSÃO
RUY ALVARO COSTA DE MORAIS SERRÃO
For the United Arab Republic:
For the Central African Republic:
L. P. GAMBA
For the Dominican Republic:
For the Federal Republic of Germany:
KURT HAERTEL
For the Republic of Viet-Nam:
For Romania:
C. STANESCU
MARINETE

With the reservation specified in paragraph 2 of Article 28

For the United Kingdom of Great Britain and Northern Ireland:
GORDON GRANT
WILLIAM WALLACE
For San Marino:
For the Holy See:
GUNNAR STERNER
For Senegal:
A. SECK
For Sweden:
HERMAN KLING
ÅKE V. ZWEIGBERGK
For Switzerland:
HANS MORF
JOSEPH VOYAME
For Syria:
For Tanzania:
For Chad:
For Czechoslovakia:
For Trinidad and Tobago:
For Tunisia:
M. KEDADI
For Turkey:
For the Union of Soviet Socialist Republics:
MALTSEV

10/12/67 g. The Union of Soviet Socialist Republics does not consider itself bound by the provisions of paragraph 1, Article 28 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property, regarding the question of settlement of disputes concerning the interpretation and application of the Convention.

For Uruguay:
For Yugoslavia:
A. JELIC
For Zambia:

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations, to which was referred the convention establishing the World Intellectual Property Organization, signed at Stockholm on June 14, 1967, and the Paris Convention for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

I ask unanimous consent that an excerpt from a background report on the pending treaty, the provisions of the convention, the implementing legislation re-

quired, and the committee action and recommendation all be printed at this point in the RECORD, so that the Senators interested may study it overnight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

Both of these conventions, which in nondiplomatic parlance refer to patents and copyrights, were signed for the United States at the conclusion of a conference which was held in Stockholm, Sweden, from June 12 through July 14, 1967 They were submitted to the Senate for advice and consent to ratification on March 12, 1969. Seventy-five countries participated in the Stockholm conference which is described by the Department of State as "the most important diplomatic conference in the industrial property and copyright fields to be held in almost two decades."

PROVISIONS OF CONVENTIONS

1. Industrial property convention

The administrative provisions of the Industrial Property Convention, which originally entered into force in 1884, were revised at Stockholm to bring the finances and structure of the convention and its Secretariat into line with the more modern principles of international organization. This would give countries party to the Convention the powers of policymaking and control which they would normally exercise in most international organizations.

A substantive amendment to the Industrial Property Convention which deals with inventors' certificates was adopted at the Stockholm conference. The new language is incorporated in the provisions of article 4I (1) and (2).

According to the Department of State, these provisions recognize inventors' certificates for the purpose of obtaining priority rights for patent applications in member countries. Unlike patents, such certificates, which originated in the Eastern European countries, do not give the inventor the exclusive right to use his invention. Pursuant to the new provisions of article 4, however, applications for inventors' certificates would be given the right of priority presently accorded to patent applications. By way of explanation, in the case of patents, if a regular first patent application is filed in one of the member countries, the applicant may (within 12 months) apply for protection in all of the other member countries and the later application will be regarded as if it had been filed on the day of the first application.

It is understood that the new provisions will not be interpreted to imply that an inventor's certificate is the legal equivalent of a patent for any other purpose than establishing a right of priority under the convention. Those countries having a system providing for the issuance of inventors' certificates are required to maintain a dual system of certificates and patents so that foreign nationals may apply, for either one. Any country which does not provide for both inventors' certificates and patents will not be eligible to receive the benefits of article 4.

IMPLEMENTING LEGISLATION REQUIRED

It should be noted that implementing legislation will be required to amend the U.S. Patent Law (35 U.S.C. 119) which does not recognize inventors' certificates as the basis for establishing a right of priority for patent applications in this country. In this connection, the Department of State assured the Committee that the U.S. instrument of ratification covering inventors' certificates will not be deposited until the necessary implementing legislation is enacted.

2. Intellectual Property Organization

The Stockholm conference created the World Intellectual Property Organization which will be responsible for the overall administrative activities of related organizations (including the Industrial Property Union) and the promotion of the protection of intellectual property on a worldwide basis.

The Organization will consist of three organs: (1) The General Assembly which will meet every 3 years to approve the budget and expenses and exercise the necessary supervision of organizations under its control; (2) the Coordinating Committee which will meet annually to give advice to the General Assembly and the Conference on administrative and financial matters; and (3) the Conference which will meet in ordinary session during the same period and at the same place as the General Assembly. It will serve as a forum for an exchange of views in the intellectual property field and be responsible for the development of legal and technical assistance programs for developing countries.

The report of the U.S. delegation to the Intellectual Property Conference states that this Government's support for the World Intellectual Property Organization "was based on the belief that it was desirable to have an international organization which was oriented toward intellectual property protection." The term "intellectual property" is used in its broadest sense to cover both industrial property and copyrights.

COMMITTEE ACTION AND RECOMMENDATION

The Committee on Foreign Relations held a public hearing on the Intellectual and Industrial Property Conventions on February 9, 1970. At that time, testimony in support of the conventions was received from Mr. Eugene M. Braderman, Deputy Assistant Secretary of State for Commercial Affairs and Business Activities. The transcript of that hearing is reprinted in the appendix to this report. In an executive session held on February 10, the committee ordered the conventions reported favorably to the Senate.

During his appearance before the committee, Mr. Braderman testified: "I know of no organization that has taken a position in opposition to either of these conventions." In addition, the Department of State's letter of submittal states that interested private organizations and Government agencies favor ratification of the conventions. As far as the committee is aware, there is no opposition to either of them and it recommends that the Senate give its advice and consent to ratification of both conventions.

The PRESIDING OFFICER. If there be no objection, the treaty will be considered as having passed through all its parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive A will now be read.

The assistant legislative clerk read as follows:

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Convention Establishing The World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and The Paris Convention For The Protection of Industrial Property, as revised at Stockholm on July 14, 1967.

The PRESIDING OFFICER. Under the previous agreement, the Senate will vote on this treaty at 10:30 tomorrow morning.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, AND SO FORTH

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROCLAMATION ON ADJUSTMENT OF DUTIES ON CERTAIN SHEET GLASS

A communication from the President of the United States, transmitting, pursuant to law, a proclamation on adjustment of duties on certain sheet glass (with an accompanying paper); to the Committee on Finance.

ANNUAL REPORT ON RESERVE FORCES FOR FISCAL YEAR 1969

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual report on reserve forces for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 57th annual report of the Secretary of Commerce for the fiscal year ended June 10, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a compilation of General Accounting Office findings and recommendations for improving Government operations for fiscal year 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED RESEARCH AND DEVELOPMENT CONTRACT WITH WEST VIRGINIA UNIVERSITY

A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a proposed contract with West Virginia University, Morgantown, W. Va., for research and development to determine the feasibility of underground crushing of coal, including the selection of design of the most suitable crusher to be used in association with the pneumatic system for coal transport (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF THE ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period July 1, 1969 through December 31, 1969 from moneys appropriated to the Architect of the Capitol, which was ordered to lie on the table and to be printed.

PROPOSED EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the legislature of the State of South Carolina; to the Committee on Finance:

CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO TAKE IMMEDIATE ACTION TO RESTRAIN AND CURB THE IMPORTATION OF FOREIGN TEXTILES

Whereas, excessive foreign textile imports at cheap prices threaten to sabotage not only the textile industry in this country but to also cripple all of the textile oriented industries and over burden an already acute unemployment level; and

Whereas, several administrations, including the present, have during their respective campaigns given vocal promise of relief to the beleaguered textile industry but beyond the breath of hope the realization remained an illusive phantom; and

Whereas, the present administration spoke of the problem in clear and unmistakable language declaring that immediate, direct and positive action would be instituted in behalf of the textile industry which was accompanied by a chorus of Hosannas by the local lieutenants, but this too seems apocryphal;

Whereas, it appears that the revered "equal protection" applies to the textile industry except in the matter of foreign imports; and

Whereas, the textile industry has reached a critical stage that requires immediate assistance and fulfillment of the campaign promises of this administration. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress take immediate action to restrain and curb the importation of foreign textiles.

Be it further resolved that copies of this resolution be forwarded to the President, the Clerk of the Senate and the Clerk of the House of Representatives.

Attest:

INEZ WATSON,
Clerk of the House.

A resolution adopted by the convention of the Protestant Episcopal Church of the Diocese of Washington, Washington, D.C., praying for the enactment of legislation (S.J. Res. 14) designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Bruce H. Gaskins, of Philadelphia, Pa., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 3519. A bill for the relief of Albina Strani; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3520. A bill to increase the mileage allowance for rural carriers in the postal field service; to the Committee on Post Office and Civil Service.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ELLENDER:

S. 3521. A bill for the relief of Tae Sun Mun Dugan; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. PELL, and Mr. Moss):

S. 3522. A bill to provide for the efficient disposal of motor vehicles, and for other purposes; by unanimous consent, to the Committee on Commerce and then referred to the Committee on Finance.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. BURDICK:

S. 3523. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3524. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Finance.

By Mr. TALMADGE:

S.J. Res. 177. A joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week"; to the Committee on the Judiciary.

(The remarks of Mr. TALMADGE when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3520—INTRODUCTION OF A BILL TO INCREASE MILEAGE ALLOWANCE FOR RURAL CARRIERS IN THE POSTAL FIELD SERVICE

Mr. YARBOROUGH. Mr. President, I am today introducing a bill to increase the mileage allowance paid to rural letter carriers.

There are 31,181 carriers in the United States, over 1,500 in my State of Texas. Each day, 6 days each week, they drive almost 2 million miles on the highways, roads, and streets of this Nation to provide service to almost 40 million of our citizens. This daily mileage is equivalent to 80 times around the world. Each day they take a traveling post office to the rural mailbox of almost 20 percent of our citizens. They deliver and collect all classes of mail, write and cash money orders, and accept and deliver registered mail, COD's, and insured parcels. In effect, they provide a complete postal service to the people of rural and suburban America.

Total costs of rural delivery for the last fiscal year were only $400 million out of a total postal cost exceeding $7 billion. This means that this tremendous service provided by the rural carriers to one-fifth of the Nation's postal customers costs less than 6 percent of the total postal budget.

Historically, the rural mail carriers are noted for rendering a high caliber of service, frequently going beyond the duty requirements prescribed for their positions. They represent one of the finest branches of our dedicated Federal employee group.

Soaring inflation, however, is striking a heavy blow to these employees. The price of the vehicles they must provide, and the cost of gasoline, tires, repairs, insurance, and taxes have advanced to the point that most rural carriers must now bear part of the costs to provide, maintain, and operate the required equipment.

In 1962—8 years ago—the basic equipment allowance for rural carriers was set at 12 cents per mile, or $4.20 per day, whichever was greater. In addition to these set allowances, the Postmaster General could authorize an additional allowance of up to $2.50 per day for carriers who serve heavily patronized routes.

Inflation has made these allowances unrealistic. Based on surveys made by the U.S. Bureau of Roads, the costs per mile for operating an automobile—based on 14,500 miles for the first year—have risen to 12.53 cents. It must be borne in mind that this is for normal type operation. The rural carrier vehicle is not within that "normal" type of operation; quite the contrary, the hundreds of starts and stops, idling time to service customers, and the necessity of traveling all types of roads in all types of weather clearly make it a very unusual type of operation. It costs considerably more per mile to operate a rural carrier vehicle than it does for the average type of commercial vehicle. There are other studies and statistics which clearly substantiate that the mileage allowance set in 1962 does not fit 1970 costs.

In order to help alleviate the extra financial burdens placed on these employees, I introduce, for appropriate reference, a bill to increase the basic equipment maintenance allowance for rural carriers from 12 cents per mile to 14 cents for each mile or major fraction of a mile scheduled, or $5.60 per day, whichever is greater.

This represents an increase which is fully justified by factual costs of operation. This bill deserves early consideration, and I trust it may be enacted by this Congress.

Mr. President, I ask unanimous consent that the bill I introduce be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3520) to increase the mileage allowance for rural carriers in the postal field service, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3543(f) of Title 39, United States Code, amended to read as follows:

"In addition to the compensation provided in the Rural Carrier Schedule, each carrier shall be paid for equipment maintenance a sum equal to—

(1) 14 cents per mile for each mile or major fraction of a mile scheduled, or

(2) $5.60 per day, whichever is greater."

SENATE JOINT RESOLUTION 177—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM "MEMORIAL WEEK"

Mr. TALMADGE. Mr. President, Americans have honored their dead on May 30, for over a century and through many wars. On this Memorial Day, many will do so sadly, placing flowers and flags on thousands of fresh graves.

Because of the poignancy of the occasion and the vast number of our battle casualties, I am introducing a joint resolution to extend this period of mourning and proclaim the week of May 24 through 30, 1970 as Memorial Week.

During this Memorial Week let us rededicate ourselves to the creed of the man who originated the observance of the 30th of May as Memorial Day.

"Every man's mind belongs to his country," said Gen. John A. Logan, commander in chief of the Grand Army of the Republic on May 30, 1868, "and no man," he added, "has a right to refuse it when his country calls for it."

It was General Logan who decreed on "Order No. 11" on May 5, 1868, that May 30 be set aside each year to honor our war dead, this proclamation would extend this period from 1 day to the entire week.

The day which started as a memorial to the fallen soldiers, on both sides, during the Civil War, has expanded to memorialize the dead of all wars. Its purpose, to remember all those who gave their lives so that this Republic might live.

Memorial Week, climaxed by Memorial Day, is a challenge to the Nation to pause and recall the sacrifices and bravery of her valiant servicemen. They should be memorialized and remembered, not only as a group but as individuals. The great war memorials are pages of the public history of our country, but each individual whose personal history is a line on these pages, is worthy of individual memory and memorialization.

Our life is based on high faith in the ability of the common man, let us recall with pride the uncommon sacrifices made by these common men.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 177) authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week," was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2005

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of S. 2005, the Resource Recovery Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3229

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Utah (Mr. Moss) be added as a cosponsor of S. 3229, the Air Quality Improvement Act of 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 89

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of Senate Joint Resolution 89, in support of the International Biological Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 532

Mr. MATHIAS proposed amendments to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, which were ordered to be printed.

(The remarks of Mr. MATHIAS when he proposed the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 514

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing of amendment No. 519 to H.R. 4249, a bill to extend the Voting Rights Act of 1965, the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor. His name was inadvertently omitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

MERLO PUSEY ON THE ROLE OF CONGRESS IN FOREIGN AND MILITARY POLICY

Mr. MATHIAS. Mr. President, Merlo P. ...'s writings on the constitutional role of Congress in U.S. foreign and military policy, including his brilliant study "The Way We Go to War,"—Houghton-Mifflin 1969—have been a key influence in reminding the Senate of this crucial area of its responsibility.

Mr. Pusey's article in the Washington Post of Feb...uary 24, 1970, continues on this theme and appeals to the administration to support congressional initiatives introduced by the distingushed majority leader and myself designed to restore Congress to its constitutional role in matters of war and peace. I commend his column to all Senators and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN PARTNERSHIP BE BEGUN AT HOME?

(By Merlo J. Pusey)

In all of the 119 pages of the President's message on foreign policy he didn't get around to discussing the respective roles that the President and Congress ought to play in this area. One section of the report explains in detail how the National Security Council is used in the making of executive policy. But there was no recognition anywhere that Congress, and especially the Senate is an essential part of the policy-making apparatus.

Possibly the President assumed that such recognition was implicit in the fact that he made the report to Congress. His report will undoubtedly give Congress a better understanding of the general directions in which he wishes and intends to move. It will not, however, satisfy the growing insistence of the Senate that commitments abroad must have some form of legislative acquiescence.

The omission of any reference to a partnership with Congress in shaping our policies abroad is the more strange because of the emphasis on partnership with other nations in the attainment of our national objectives abroad. The message as a whole breathes the spirit of conciliation. The President wants the United States to get out of a "do-it-ourselves" posture in other parts of the world; he wants to encourage other countries to assume more leadership while the United States confines its operations to "a sharing of responsibility." Yet he makes no mention of sharing with Congress the responsibility of determining the course this country will take.

The President candidly acknowledged that events have shaped the policies he now proclaims. "We must change the pattern of American predominance, appropriate to the postwar era," he said, "to match the new circumstances of today." The same may well be said of the pattern of presidential monopoly in the shaping of foreign policy. While the world has been evolving, Capitol Hill has not been static. In the light of the commitments resolution passed by the Senate and the current movement for repeal of the Tonkin Gulf resolution, the need for partnership with Congress cannot be said to be less urgent that the need for partnership with the NATO countries, Latin America and Japan.

It cannot be assumed that the policy of the lower profile, however desirable it may be, will necessarily keep the United States free from international crises of the Vietnam type. Indeed, one section of the President's message raises grave questions as to whether he is extending the probability of military involvement. In his comments on Asia and the Pacific, he said:

"We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole."

Where did the President get authority to provide a nuclear shield for remote Asian nations? The present disposition of this country seems to demand a redefinition of existing treaties, or at least the manner in which some of them have been interpreted in the past. Vietnam has undercut the nation's willingness to let the President define our SEATO commitment and send vast numbers of American troops abroad to carry out his interpretation, with out specific authorization from Congress. Yet the President seems to be suggesting that, in appropriate circumstances determined by himself, he would use, or threaten to use, nuclear weapons to protect even areas not covered by mutual-defense treaties.

The President then went on to say:

"In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate."

But who shall decide when such military assistance is appropriate? Here again he appears to be talking about requests for help that might come from outside any treaty area. Congress and the country will want to scrutinize such requests and to make the final determination of whether the United States should become involved in compliance with the constitutional assignment of the war power to Congress.

There was nothing in the President's language indicating that he would go to Congress for authority to act in such cases, and in the absence of such a pledge or any law requiring him to do so, his sweeping commitment must be read in the light of recent history. President Truman acted on his own in Korea. President Johnson, even though he asked Congress to go along with his use of military force in Vietnam, proclaimed his right to act without it. In his recent broad-

cast interview he reiterated this extraordinary claim of executive power to make war. Has President Nixon fallen into the same pattern?

The less strident and more relaxed foreign policy which the President has proclaimed would fit very neatly with a lowered White House profile vis a vis Congress. A good place to begin would be the Mathias-Mansfield resolution which seeks to clear away the clutter of cold-war measures sustaining the Truman-Johnson concept of executive war-making. The resolution also approves the Nixon policy of withdrawing from Vietnam. It would substitute a flexible withdrawal commitment for the existing green light for unlimited escalation. If some detailed provisions of the resolution are deemed troublesome at the White House, they could doubtless be compromised satisfactorily.

President Nixon has sought to reassure the world that the United States will not function as a sort of global policeman. The Senate is waiting to hear that he will not try to extend security commitments all by himself, and that, if an emergency arises, he will "act within the framework of the partnership" set up by the Constitution for the control of foreign policy.

THE LAOTIAN ENIGMA

Mr. BYRD of West Virginia. Mr. President, an estimated 100 American pilots have been lost in bombing missions over Laos, and at least 25 other Americans have been killed in the fighting there. Before these casualty figures rise further, the American people should be told the extent of our country's involvement in Laos.

During this month alone, U.S. planes have dropped over 15,000 tons of bombs on Laotian trails and countryside. And reports claim that American advisers are all but running the Laotian forces.

War has raged in various parts of Laos for over 20 years, and our large-scale entry into the struggle at this time could serve to open up a new front in the Vietnam war. We should weigh very carefully the possible consequences of such a move.

EXTENSION OF FARM PROGRAMS ESSENTIAL TO CONSUMERS AND FARMERS

Mr. YARBOROUGH. Mr. President, on Wednesday, February 18, 1970, the Committee on Agriculture and Forestry began hearings on legislation to extend the current farm programs, S. 3068, the Agricultural Stabilization Act.

The economic problems of our farmers and ranchers have reached critical proportions. Just in the past year, the farmers have not only had to contend with the forces of nature, but have been assaulted time and again by disastrous cutbacks and adverse decisions of the administration which seemed designed to eliminate the independent family farm and to force the farmers off their land and into bankruptcy. Serious cuts in rice acreage allowances have been made. Texas wheat, feed grain, and cotton farmers have been refused the advance payments they had received in the past.

This was done at the worst possible time because the high interest rates and tight money make it almost impossible for the farmers to raise the money necessary to plant their crops. In Texas our entire cotton farming operation has been placed in jeopardy by the recent decision to make extensive reductions in the projected yield figures for cotton.

If immediate action is not taken to provide our agricultural economy with more assistance rather than harassment, farming as we know it will disappear. The independent family farmer will be replaced by huge corporations or the entire operation will be controlled by monopolistic food store chains.

Our farmers are not threatened with recession—they are already in the midst of a most serious depression and the repercussions will be felt throughout this Nation's economy. We must act now to provide our farmers the programs necessary to maintain a stable economy.

The high interest rates and lower farm prices brought about by this administration threaten the farmer with ruin. More foreclosures are taking place on Texas farms than at any time in over 10 years. An agricultural disaster is upon us.

Because of the tremendous importance of these matters to our Nation's economy—particularly the agricultural sector of our economy—I would like to share my views on this subject with my colleagues here in the Senate.

As a principal sponsor of this important legislative proposal with the able Senator from South Dakota (Mr. McGOVERN), I testified at the opening of the hearings on the bill. I ask unanimous consent to have printed in the RECORD my testimony on S. 3068 before the Committee on Agriculture and Forestry.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

REMARKS BY RALPH W. YARBOROUGH

(Testimony before the Senate Committee on Agriculture and Forestry on S. 3068, the Agricultural Stabilization Act, Room 324, Senate Office Building, 10 a.m., Feb. 18, 1970)

Mr. Chairman, and distinguished colleagues, thank you for this opportunity to appear and testify in support of S. 3068, The Agricultural Stabilization Act. I am proud to be a principal sponsor of this bill. It pleased me to join with Senator McGovern and our eleven co-sponsors in presenting this important legislative proposal for consideration by this Committee and the Senate. I sponsored this bill because of my firm dedication to the continuation of these vital farm programs. Experience has demonstrated that the current farm programs have benefited the Nation's economic stability, they have strengthened the American consumer's food-and-fiber dollar, and have provided more equitable treatment of the farmers who contribute so much to this Nation's well-being.

The Agricultural Act of 1965 will expire on December 31st of this year. This act has provided the basic authority under which our current farm programs operate. It is my firm conviction that these programs have served the Nation, the consumer, and the farmer very well over the past four years, and must be continued. Certainly, it is true that improvements and modifications suggested by our experience with these programs are necessary. Any complex legislative program needs periodic review, adjustment, and refinement. Our proposed Agricultural Stabilization Act reflects this experience and contains several beneficial modifications.

Our agricultural programs are the result of a long evolutionary process of legislative experience, adjustments, and modernization. I have been vitally concerned with their development and improvement ever since I arrived in the Senate over a dozen years ago. I submit that it would be disastrous folly for us to turn our backs on experience and to scrap these proven programs for any of the untested and unproven and radical alternatives that have been suggested in the last few years, or even in recent weeks.

We have a solid foundation on which to build, and our efforts should be directed toward improving the situation of the farmers and ranchers who are sustaining this nation's demands for food and fiber. We must concern ourselves with reversing the inequitable economic forces that are driving so many of our people away from their farms and ranches.

Mr. Chairman, only a few days ago, on January 27, you made a thoughtful and thorough statement on the floor of the Senate concerning our Farm program and the Economy. The newsletter of one of our leading national farm organizations termed your address ". . . the most comprehensive review of the farm situation presented to Congress in recent years." With your permission, I wish to quote one statement in particular that is worthy of repetition until it is fully understood, and which should be adopted as a prime basis for action by every Senator. You stated:

"The point is that we do have reserve capacity in U.S. agriculture. We are very fortunate to have it . . . But a surplus production capacity of nearly 10 percent must be controlled if we are not to wallow in overproduction."

This central point of our national agricultural problem is the measure against which all Senators need to judge the blandishments we are beginning to hear from those who would scrap the solid foundations of workable farm programs that we find in the Agricultural Act of 1965.

Last October 23rd, I joined with the distinguished Senator from South Dakota in introducing the Agricultural Stabilization Act. This bill has been unanimously endorsed by a coalition of 2 major farm organizations, including such nationally-known groups as the National Grange, The National Farmers Union, the National Association of Wheat Growers, and many others, which are composed of, and speak for, American farmers.

The basic thrust of the proposed Agricultural Stabilization Act is to extend the Agricultural Act of 1965, to which it also proposes a series of amendments designed to strengthen present farm programs and increase farm income by $1.3 to $1.4 billion. It is estimated that the total cost of the bill over 1969 would be about $660 million, but since the Administration anticipates savings from readjustments in wheat allotments in 1969, as well as savings from the soybean program resulting from lower price support activity and stronger market demand this year, the additional costs in the coalition bill may well represent no increase—or little increase—in costs over the 1969 farm program budget. Costs under the bill we are proposing ought to be received as sound investments in the Nation's most important industry; for every dollar invested, two will be returned in the form of increased income to farmers.

Mr. Chairman, the proposed Agricultural Stabilization Act does not take a parochial or sectional approach to the present farm problems. Like the 1965 Act which it seeks to extend, it authorizes workable farm programs for all farmers throughout this great diversity we call agriculture. Most important, its main purpose—to insure adequate supplies of agricultural commodities at fair

prices—is assurance to the American wage-earner that he will continue to be able to purchase the family's food for a smaller percentage of his take-home pay than ever before. Last year, American consumers spent only about 16.5 percent of disposable income to purchase food. That percentage, which has been steadily declining, was about 20 percent in 1960; if consumers last year had to spend that much of their income on food, total expenditures would have been over $126 billion, instead of the $105 or $106 billion they actually spent. Farm programs, such as the ones authorized by the 1965 Act and which the Agricultural Stabilization Act seeks to extend and improve, are largely responsible for this food and fiber bargain to American wage-earners.

I know the dilemma of the American housewife who faces the checkout counter at her local supermarket daily or weekly. Retail food prices have increased almost every year for the last 18 years, and this past year has seen some painfully sharp rises. But housewives and wage-earners—and Senators—need to be reminded that in all those 18 years, farm price increases exceeded those of retail food only 3 times—one of which was 1969.

We must remember that of the $105 or $106 billion spent by American wage-earners for food last year, about $96 billion represented food that came from American farms. Is this what American farms received from the public's food expenditures? It is NOT! Out of that $96 billion, farmers received only $32.2 billion—the balance—$63.7 billion—represented the long line of processors and retailers who move food from farms to markets.

There was an interesting colloquy on this point between the Senator from Louisiana and the Senator from Montana which appears in the Congressional Record for January 27 of this year. It is summarized in the statement of the Chairman of the Committee on Agriculture and Forestry this way:

"The farmers and the producers of beef are not the ones who are causing the prices of their products to increase . . . It is the in-between, in the distribution and retailing process. . . . The producers and the farmers get nothing more for their products at all. The record shows that the prices of farmers now are much lower than they were in 1947 and 1948 . . ."

Those of us who are familiar with the farm problem have tried for a long time to bring this message home to America. I wish we could convince the public of its truth, for they would then see that these programs we want to extend are more in the nature of consumer subsidies than farm subsidies, as they are dubbed.

I mentioned a moment ago that 1969 was one of the few years when farm price increases exceeded retail food increases. According to the U.S.D.A., the index of prices by farmers for all farm products rose about 5.5 percent above 1968; prices received for livestock products were up 11.6 percent, but prices received for all crops fell 3 percent.

These changes ought to be further proof that farm programs have benefitted consumers more than farmers, for there are no price support programs for livestock. The increase in livestock product prices was the result of much heavier consumer demand resulting from increased income, and the inability of livestock producers to increase marketings fast enough to meet the demand. The old biological cycle still applies in livestock farming.

In spite of the 3 percent decline in prices received by farmers for crops, total realized net income of farm operators in 1969 is estimated at about $16 billion, or $1.2 billion more than in 1968. This increase in farm income was possible *only* because of the effective operation of the price support and adjustment programs provided in the 1965 Agriculture Act. Had those programs not been in effect, realized net farm income would have been about 20 percent less than it was.

Farmers throughout the nation realized the value of these programs. Their continued cooperation over the years, as well as their support through their organizations for the programs, attests to their approval. In Texas, which is one of the country's largest agricultural states, we have an estimated 187,000 farms—the largest number of any State. Among the operators of those farms, 101,724 participated in the cotton program last year; 87,348 participated in the feed grain program; and 41,949 took part in the wheat program. So it is quickly evident that most Texas farmers have a vital interest in the programs which the coalition farm bill would extend.

Let me briefly outline what the Agricultural Stabilization Act proposes to do. In the way of example, I will relate its major terms to our farmers in Texas:

Title I extends the Class I Base Plan for milk. Unless this plan is extended, authority for the creation of Class I plans will terminate, and the one plan now in effect, in the Puget Sound Market, would expire. Failure to extend the Class I plan will deprive other markets of the opportunity to establish these plans. Title I provides steps to allow wider adoption of Class I plans, and involves no additional costs to the Federal Government.

Title II extends the Wool Program which provides for price supports through loans or purchases at the discretion of the Secretary, at not more than 90 percent of parity.

Title III provides for extension of the feed grain program, with price supports set at 90 percent of parity. Loans would be increased from $1.05 per bushel to $1.15 per bushel for corn; direct payments would be increased from 30 cents per bushel to 40 cents per bushel.

While the feed grain program is important to feed producers throughout the country, it is vital to the 87,000 Texas farmers who participated in the 1969 program. Total diversion and price support payments to Texas feed grain farmers in 1969 were reported by the U.S.D.A. to be slightly more than $124.5 million; these farmers diverted 3.7 million acres of their 7.9 million-acre feed grain bases in 1969, to cooperate in the program's attempt to prevent ruinous accumulation of surplus grain stock. The new program included in Title III involves an additional cost of about $350 million for the Nation as a whole.

Title IV extends the cotton program without change. This program is of utmost importance to Texas farmers, who in 1969 produced nearly 30 percent of the total U.S. production. Of their 6.3 million-acre cotton bases, Texas farmers planted 5.2 million acres, and harvested 4.7 million acres, receiving price support on 4 million acres, and small farm payments on about 74,000 acres. Total payments—price supports and small farm payments—in 1969 were about $269 million.

Reduction of the burdensome 16.9 million-bale carryover of cotton which we had in 1966 is one of the outstanding accomplishments that has been carried out under the present cotton program. The Department of Agriculture's January 1970 *Cotton Situation* is projecting a 6 million-bale carryover next August; this will be the lowest carryover since 1953. The U.S.D.A. also reports that farmers this year will place about 4.5 million bales under loan; the current season's price is holding just above the loan level. Title IV—extension of the present cotton program—does not contemplate any additional costs.

Let me disgress for a moment from this rundown of the several titles of the proposed Agricultural Stabilization Act. I want to mention a recent statement before the 32nd annual meeting of the National Cotton Council, by a distinguished member of the Senate Committee on Agriculture and Forestry, the Senator from Georgia (Senator Talmadge). In this thoughtful remarks on the plight of our cotton farmers, he noted that cotton costs more to produce than it is bringing in the market, and he called for a cotton program that would not only accomplish the production of needed quantities of cotton, but which would compensate the farmer for the loss he incurs between the cost of producing cotton and the price he receives for it. "The present law," said the Senator, "offers the best mechanism for doing this, with certain modifications."

As I understand it, the Senator from Georgia proposes a program which would offer the cotton farmer a "cost price adjustment"—the difference between cotton production costs and prices. Secondly, he suggests a "supplemental income adjustment" payment for cotton which will allow the small and medium-size farmers some measure of equity and assistance. I look forward to further study of the Senator's suggestions for an improved cotton program during the hearings on the farm program.

Continuing with this brief review, Title V, of the proposed Agricultural Stabilization Act would extend the voluntary wheat certificates and acreage diversion program. Under the present program, farmers receive full parity for domestic food wheat, through a certificate system.

Under the 1969 wheat program, farmers on 41,949 farms participated in the State of Texas. Production of 68.9 million bushels was reported. Texas wheat farmers diverted 607,546 of their allotment acres, receiving $8.3 million for this portion of the program. Payments, for both diversion and certificates, totaled $54.2 million to Texas farmers.

This new Title V not only extends the acreage diversion and domestic certificate payment features of the present program, but it adds a certificate on export wheat, to bring total payments on the export portion of the wheat crop (about 500 million bushels) to a price range of from 90 to 65 percent of parity, or a minimum of 55 cents per bushel more, under the current adjusted parity ratio.

Finally, another feature of the proposed Title V provides that one-half of the wheat certificate value can be paid to wheat farmers at sign-up time. We estimate that additional program costs under Title V would be about $275 million.

Title VI of the bill proposes an acreage diversion program for soybeans and flaxseed—a program which would provide price support loans to participating farmers at 75 percent of parity. This program would go into effect in years when total soybean stocks exceeded 150 million bushels on the 31st of August. For instance, had this proposal been on the books last year, it would have been triggered by the August 31st stocks of 300 million bushels of soybeans, and would have required a diversion of 2 to 3 million acres, for an additional cost to the government of some $25 to $35 million.

Title VII of our proposed bill provides for a permanent "Consumer Protection Reserve"—a program which has received a good deal of attention in recent years. This proposed reserve of wheat, feed grains, soybeans and cotton would serve both as insurance against shortages of one or all of these commodities and as a means of insulating the market from the ruinous effects of price-depressing sales from CCC stocks. Three types of reserves would be established: a Commodity Credit Corporation reserve; a reserve held by producers under a reseal program; and a reserve held by producers under 3-year contracts. The program contemplates a reserve of 500 million bushels of wheat, 30 million tons of feed grains, 75 million bushels of soybeans, and 3 million bales of

cotton. Provision is made for adjusting reserve levels. Title VII would prohibit CCC sales from reserves for unrestricted domestic use at less than parity. For instance, CCC sales of wheat, when stocks were below the reserve level, would be at parity, less the cost of certificates; CCC sales of feed grain, when reserves were below the reserve level, would be at parity, less the payment. Provision is made for release from CCC stocks under certain emergency conditions. No additional costs are contemplated for this title.

Title VIII provides for the extension of marketing orders to any commodity when a majority of producers of that commodity approves. The title authorizes an advisory committee to help write the marketing order; for public hearings on the order; and for producer referendum, which requires a two-thirds vote of approval for the marketing order to become effective.

Title XI contains a permanent extension of the present cropland adjustment program, and removes the present $245 million limit on appropriation for this program.

Title X continues the rice program and provides authority for an acreage diversion program for rice if the national allotment is set at less than the 1965 level.

Mr. Chairman, it will be noted that several of the titles in our proposed Agricultural Stabilization Act continue the use of the parity concept. I know that a number of proposals are blowing around that would drop the use of parity in establishing price and income support level. Some of these proposals would base supports in a given year for particular commodities on a percentage of the average market price for such commodity during the preceding three-year period. More specifically, the proposal most often discussed would limit supports to 85 percent of this "moving" average. As some of us see it, this would mean that prices would generally trend downward year after year because of an unstable floor. For instance, if we assume a 3-year average market price of $1.05 for corn for the years 1968–1970, then 1971 supports would be set at only 89 cents per bushel (85 percent of the 3-year average). For wheat, a 3-year average of $1.25 per bushel would mean 1971 supports of only $1.06 per bushel.

How can we expect farmers to go along with a program that in a few years guarantees supports for corn, at say, 75 cents a bushel, and wheat at a dollar a bushel, when farm operating costs have been advancing at the rate of 3 percent a year—when in the 1960–69 period, farm machinery costs have jumped 39 percent; when farm wage rates have soared up by 74 percent; when property taxes have more than doubled; and when farm interest costs have more than tripled. What possible equity or justice can be involved in deflating farm prices when the rest of the economy is inflating?

Such a concept—this three-year "moving" average it seems to me, will succeed only in driving more farmers off the land. According to the January 9 estimate of the U.S.D.A., the number of farms in the United States since January 1, 1968—only 2 years ago—has declined nearly 160,000.

When we introduced this bill last October, the Senator from South Dakota said:

"Parity returns are, by definition, no more than equality with the rest of our society. The programs of the 1970's will not keep faith with farmers unless they contain a firm commitment to that goal."

Mr. Chairman, cur bill is based upon the premise that the parity concept is useable and should not be discarded for some untried method of deriving support levels by taking some percent of market average prices for the commodity during the previous three years. Parity has been through the fire—it is a valid, living concept, not unchanging but useable. Moreover we do not assume in S. 3068 that present programs are all wrong. It does make certain changes and amendments as have been discussed.

This is a time to hold to what is helpful until we have something better. This is a time to keep programs which are working reasonably well and to improve them if we can. Above all, this is the time to hold fast to *parity* as a concept, a time to achieve full parity pirces if it can be done, and to insist on somehow reaching parity income for that 5 percent of our population which feeds all of us and has enough left over to export the product of one-fourth of the acres farmed. This achievement deserves, and must have a more adequate reward than 80 percent of fair.

At this time, I wish to turn briefly to the Administration's new proposed Agricultural Act of 1970. This document, I assume, is the measure that has been in preparation over the past year, and arrived only very recently for our study. The literature which accompanied the proposal heralded it as a "consensus approach." The literature fails to point out the individuals or groups among whom there exists a "consensus" on these proposals but I am informed that those groups most certainly do not include the National Farmers Union, the Grange, the National Association of Wheat Growers, The Midcontinent Farmers Association, the National Farmers Organization. These groups characterized the so-called "consensus" approach as "inadequate," "unsound" and "totally unacceptable," in an announcement dated February 5, 1970. It is expected that the other coalition groups which support our bill will also speak out against the Administration's bill as soon as they have had an opportunity to try to digest its provisions.

I shall not attempt here a detailed analysis of the Administration's proposal, but I do have a few observations to make and a few questions to raise, which I think will be of interest to Senators and others interested in the farm program.

On the mimeographed transmittal which accompanied the text of the bill, the goals of the proposal include some points about which most of us would not quarrel. I have noted a few of these points:

—to give farmers a wider range of decision making on their own farms;

—farmers would be free to do the kind of farming they are best prepared to do;

—to help farmers improve cash markets . . . and develop a greater reliance on the marketplace as a source of farm income.

And so forth.

Farmers will appreciate these goals, but a few might scratch their heads and wonder about them as I do. It seems to me that farmers are called on today to make a pretty wide range of decisions. I suspect that most of them are doing the kind of farming they are best prepared to do. And I wonder how many farmers want to be told they need to develop "greater reliance" on the market? Someone ought to be reminded that farmers today rely pretty heavily on the marketplace.

This so-called "consensus" proposal contains seven titles; in addition to separate titles for dairy, feed grains, wheat and cotton, there is a title providing for long-term land retirement, and one which would extend Public Law 480.

The titles dealing with feed grains and wheat provide price support loans "not in excess of 90 percent of parity," or, as farmers would say, "zero to 90 percent." Might not one raise the question here whether Senators and farmers want to give the Secretary of Agriculture such wide discretionary authority that he could, say next year, or the next, reduce price support loans in effect to the 3-year "moving average" I mentioned a few moments ago? Do we want to do that? If memory serves me, this was proposed back in the 1950's and the Congress wisely rejected it.

The cotton title provides loans at "not in excess of 90 percent of the estimated world price," as compared with our proposal, which provides supports at between 65 and 90 percent of parity. I don't need to remind Senators or cotton farmers there is a great deal of difference between these two approaches.

One of the features of the so-called "consensus" proposal is the "set aside". As I read it, cooperators would be required to set aside acreage equal to a percentage of his base or allotment acres, plus his conserving base. He would then have "full freedom" (as the literature says) to use the rest of his cropland in anyway he wishes.

Apparently the Administration thinks that this "freed" acreage would be planted to crops other than those which would build surplus stocks. Nevertheless I am concerned that this feature might well spur additional acres of feed grains and soybeans, and perhaps in some areas, additional cotton. My concern again reminds me of the statement which I read at the outset of my remarks by the Chairman of the Committee on Agriculture dealing with overcapacity in American agriculture. I can assure you that I am happy it is the able and experienced Senator from Louisiana who will be presiding over the Committee's examination of this proposal.

I know that Senators will examine carefully the two proposals which I have discussed today. I firmly believe that our proposed Agricultural Stabilization Act, which extends and improves on the present agricultural legislation, is in the best interest of consumers, farmers and the economy in general. We welcome the prospect of having our proposals discussed in the up-coming hearings, and I feel sure Senators will give it their approval, when they have studied it and measured its terms alongside the alternatives.

TUBERCULOSIS TESTING

Mr. MATHIAS. Mr. President, we all share the concern which has been generated by the discovery of an unusual incidence of tuberculosis on Capitol Hill.

I am sure that most Senators shared my surprise at the news that six active cases of tuberculosis had been discovered here, two of them fatal. The erroneous impression that tuberculosis has been controlled is all too prevalent, but this experience has provided a rude awakening.

A great effort has been required to test everyone here, including the cooperation of several governmental and voluntary health agencies. I am pleased that among those agencies which cooperated were the Maryland Tuberculosis Association and the Maryland State Department of Health. Maryland has made available one of the X-ray mobile units which has been used to help administer tuberculosis tests to Members of Congress and congressional employees.

I am glad that Maryland had an important share in making this effort a success.

SHOULD UNITED NATIONS FUNDS FINANCE THE TRAINING OF ARAB TERRORISTS?

Mr. DODD. Mr. President, in recent months there have been a number of articles in the press reporting that many of the Arab refugee camps maintained by the United Nations Relief and Works Agency—UNRWA—have in effect become training grounds for Arab guerrillas. Some of the articles have carried

photographs of guerrilla units in training in these camps.

This situation is the subject of an editorial captioned "We Accuse UNRWA" which appears in the current quarterly issue of the organ of the Society for the Prevention of World War III, a private organization headed by a group of highly distinguished Americans.

Pointing out that the United States contributes nearly two-thirds of the total budget of UNRWA, the editorial goes on to say:

With the first-stated purpose of UNRWA—the giving of relief—we have the sincerest sympathy. The suffering of human beings everywhere is the concern of all of us.

But the concept of refugee camps as recruiting centers for terrorists must be rejected as outrageous. Money spent for that purpose is worse than wasted: it is used dishonestly, and used to keep the Middle East at war.

Mr. President, in the hope that all Senators will find the time to study it, I ask unanimous consent to have printed in the RECORD the full text of the editorial captioned "We Accuse UNRWA."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WE ACCUSE UNRWA

There seems to be two conflicting ideas about the purpose and use of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East).

UNRWA was founded 21 years ago to provide housing, food and education for displaced Arab refugees. It was also to train them for reemployment and to assist in their resettlement.

The Arab states, and in particular the several guerrilla and terrorist movements which they support, appear to have a very different view. It is perhaps best expressed in an editorial which appeared November 24, 1969, in one of the major Arab propaganda publications in the United States, a weekly edited by the director of the Action Committee on American-Arab Relations:

"The Palestinian refugee camps in Lebanon have been taken over by Palestinian commando units. . . . The process of the refugee camps becoming a training ground for the commando units is the logical development. . . . We sugest that the several Arab States in which the Palestinian refugee camps exist should delegate authority to the Palestianians to handle the affairs of the camps. . . ."

On the front page of the same publication, a week earlier, appeared a two-column photo of guerrilla units training in an unidentified camp, with the caption "Refugee Camps Become Training Grounds." (*The New York Times* a few days later published a similar photo, taken in the UNRWA camp near Sidon, Lebanon, and captioned "Commando Training in Refugee Camps.")

With the first-stated purpose of UNRWA—the giving of relief—we have the sincerest sympathy. The suffering of human beings everywhere is the concern of all of us.

But the concept of refugee camps as recruiting centers for terrorists must be rejected as outrageous. Money spent for that purpose is worse than wasted: it is used dishonestly, and used to keep the Middle East at war.

Until UNRWA can be restored to its original purposes, and until defects in several of its programs (especially the schools) can be remedied, UNRWA must stand accused of the gravest malfeasance.

(1). UNRWA has wrongfully permitted its facilities to be used for the training of illegal guerrilla and terrorist groups. The case of 14 camps in Lebanon which have been physically taken over by commando units—who have actually placed armed guards at the camp entrances and otherwise usurped control—is only the most recent example. As far back as 1966, the Commissioner-General of UNRWA complained that Egypt was training commando units at camps in the Gaza Strip. At that time, Egypt promised to make restitution ($150,000) for the rations and facilities used by the commandos. Up until this moment (our last inquiry was at the date of going to press) not a single dollar had been repaid. Meanwhile, the Arab press has regularly published accounts of commando units recruited in UNRWA camps in Jordan and Syria, and trained while subsisting on UNRWA rations.

(2). UNRWA has permitted local nationalistic control to be substituted for responsible international control. This was perhaps inevitable in an operation which should have been completed within a period of two or three years, but has been permitted to drag over more than a generation. As the Commissioner-General has frequently pointed out, the refugee camps are subject to the jurisdiction of the host countries. Moreover, the overwhelming majority of UNRWA employees are locally recruited (out of nearly 13,000 staff members at present, only 110 are members of the international staff) and are considered—with varying degree from country to country—to be subject to the control of local authorities. Thus UNRWA becomes not only a subsidy to needy persons, but also a powerful source of financial support for the political purposes of adventurous regimes. It should come as no surprise that one of the hijackers of a TWA plane detoured to Syria had not long before been employed on the local administrative staff of UNRWA in an Arab state.

(3). The children of the refugees, in the camps, are educated to hate their neighbors and to prepare for war against them. This appalling charge is documented in detail in an article elsewhere in this issue (see page 12). An international commission of educational experts named by UNESCO has recommended the removal or modification of a large part of the textbooks used in UNRWA schools—but the Arab states have refused to comply or to allow UNRWA to comply. In Syria, to take but one example, a first-year reading primer compels the young child to learn to pronounce the words: *"The Jews are the enemies of the Arabs. Soon we shall rescue Palestine from their hands."* The Syrian Minister of Education, replying to a complaint from UNESCO, said: "The hatred which we indoctrinate into the minds of our children from birth is sacred."

(4). UNRWA has failed to carry out its original obligation to work toward the resettlement of the refugees. In the beginning, the number of Arabs who departed the area that is now Israel were less than—and certainly not larger than—the number of Jews who were forced to leave Arab lands in the Middle East, such as Iraq, Yemen and Syria. The Jewish exiles were received with open arms in Israel; they were retrained, and they promptly found profitable employment. They have never received any restitution for their lost property, nor have the heirs of those who died in flight received even sympathy from their former Arab masters. In sharp contrast, the Arab refugees were not assimilated into the lands of their kinsmen, but in most cases were kept separated in camps, unable to compete in the employment market, or to sustain themselves. In the Gaza Strip, the controlling power, Egypt, would not even grant passports or other identification documents (except the ration cards provided by UNRWA) to its unfortunate wards. Funds originally allocated for resettlement were used for other purposes. Although committees of the United States Senate and House of Representatives, when considering UNRWA contributions, repeatedly urged that the process of resettlement must be speeded up, no action followed. On the contrary, the Arab propaganda organs accused the United States (which supplies the largest share of the funds of UNRWA) of trying to "liquidate the Palestine Question" by insisting upon its concern that those refugees who wished to do so should be given a chance to lead normal lives in the countries of their current domicile.

(5). UNRWA has permitted itself to be made an object of financial plunder by "host" governments in the Middle East. The fact that a mere census of the camp populations has been prevented in most places lies at the base of this scandal. Vital statistics show that the camp populations have the highest birth rate and the lowest death rate in any part of the Arab world. Medical care superior to that available in most Arab villages in part accounts for this, but it is also cynically said that "a refugee never dies, his ration card is sold in the market,"—and this charge is at least in part true. The Commissioner-General has for years, in annual reports, complained of "political obstacles" placed in the way of making any scientific verification of the origins and numbers of camp inhabitants.

Meanwhile, the number of "refugees" has skyrocketted by the birth of children and grandchildren, to reach the present total of approximately 1,400,000—far more than double the original 1948–9 figure.

Equally reprehensible is the manner in which certain Arab states have measurably enriched themselves by illegally charging customs duties on materials destined for refugee camps. Others have charged above-market rates for railway freight transportation, and other local services. Pending claims by UNRWA for excess rail charges alone, against the governments of Lebanon, Syria and Jordan, total more than one-and-a-half million dollars—money that has meanwhile come from the pockets of taxpayers in the United States and other contributing countries. Some Arab states have also derived tax revenues by taxing electrical power and other services sold to UNRWA—in defiance of international conventions exempting the agency from such taxation.

(6). National contributions to UNRWA are grossly disproportionate and the rights of the contributors are disregarded. The United States government alone pays nearly two-thirds of the total budget of UNRWA. If substantial contributions by private corporations and foundations are added, the American proportion of the total bill is still larger. In contrast, neither the Soviet Union nor any nation of the Soviet satellite group has ever pledged an official contribution—although the Soviets have expended vast sums on arming Egypt, Syria, Iraq and other Arab states, and have given backing to those states in their war-like propaganda. As a part of a general settlement in the Middle East, the United States should at least be permitted to have a reasonable voice in the conduct and future administration of UNRWA—and it is only fair to insist that the burden should be shared by financially able members of the United Nations, such as the USSR, who have thus far accepted no responsibility whatsoever.

WHAT IS THE VERDICT?

The editorial quoted at the beginning of this indictment, from the publication edited by the head of the Action Committee on American-Arab Relations, concludes with an interesting suggestion. Should "pressure" cause the United States government to decrease its subsidy to UNRWA, "the Arab States should make up the balance." Then, says the Arab editor, the affairs of the camps could be delegated entirely to the direction of the "Palestinian refugees."

Considering the war-like and terroristic attitude of the commandos and terrorists to

whose whims the refugees would thus be left, we can hardly approve the latter part of this suggestion. But if the largesse of the free nations is to be misused through the misconduct of certain governments, then it is logical that those governments should bear the burdens which we up to this point have shouldered.

THE SOCIETY FOR THE PREVENTION OF WORLD WAR III has expressed its views in a telegram to President Richard M. Nixon, reading in part as follows:

"It is authoritatively reported in the press and officially conceded by the Commissioner-General of UNRWA that control and policing of 14 Arab refugee camps in Lebanon is in hands of Palestine commandoes or guerrillas primarily armed with weapons of communist origin. . . . In Jordan also UNRWA camps have long been used by guerrillas as centers for training and recruitment. For years UNRWA has been derelict in its duties in failing to correct this situation. Continuation of large American financial support for these camps is therefore tantamount to maintaining a guerrilla army operating against our own interests and condoning terrorism. The American government has no right to use tax money to subsidize terrorism. We therefore urge that you refrain from making new financial commitments to UNRWA until such time as the use of UNRWA installations for guerrilla war purposes has been effectively ended and the control of refugee camps is vested exclusively in the hands of dependable authorities."

We deeply regret the necessity for such a conclusion. We are firmly devoted to the amelioration of human needs wherever they may be discovered but we are also pledged to give such advice as will advance the permanent peace of the world, or at least not contribute to plunging it again into the holocaust of war. We think that the misuse of UNRWA funds is at this time contributing to the latter danger.

We also think that UNRWA, as at present functioning, is not viably performing its primary duty of relief. It has let the refugees become pawns in an international power play, and has permitted war-makers to traffic with their fate for alien purposes. Until this is corrected, the United States ought not to make any further unrestricted pledges to UNRWA—and its support should be explicitly contingent, from month to month, upon a thorough housecleaning of this entire operation.

NOMINATION OF JUDGE CARSWELL

Mr. ALLOTT. Mr. President, yesterday the Senator from Massachusetts (Mr. KENNEDY) placed in the RECORD a statement from the Senator from South Dakota (Mr. MCGOVERN) explaining why Senator MCGOVERN is going to vote against the confirmation of the nomination of Judge G. Harrold Carswell.

Most of the objections Senator MCGOVERN mentions have been discussed in recent weeks. But one objection which Senator MCGOVERN shares with journalist Michael Harrington does merit special attention.

Mr. Harrington, with Senator MCGOVERN concurring, argues that President Nixon is trying to politicize the Supreme Court even more than Franklin Roosevelt did in his ill-fated attempt to pack the Court.

Mr. President, this is a misunderstanding of what President Nixon is trying to do.

It is not true that President Nixon is trying to pack the Court. It would be closer to the truth to say that the President is trying to unpack it. He is trying to restore some semblance of balance to the Court.

If we are faithful to the meaning of "court packing" as that term emerged from President Roosevelt's attack on the Court, we must surely see that what President Nixon is doing has nothing to do with packing the Court.

In fact, the President is acting in accordance with nothing more radical than the U.S. Constitution, which vests in him the responsibility for appointing new members to the Court.

Unlike Franklin Roosevelt, President Nixon is not trying to alter the very structure of the Court.

Unlike Franklin Roosevelt, President Nixon is not asking the Senate to tamper with the number of Justices.

On the contrary, President Nixon is asking the Senate to fulfill its part of the constitutional partnership by bringing the Court up to full strength.

In fact, whereas Franklin Roosevelt was convinced that nine justices were insufficient, there are some persons today who seem to think that nine justices are too many.

Mr. President, I think President Nixon is correct in his approach to this matter. He believes that the court should be composed of nine members as Congress has specified. He thinks that a team of nine can afford a few strict constructionists.

I do not think that a baseball manager is "packing" his lineup if he includes a mixture of lefthanded and righthanded batters. And President Nixon does not think that a judicious mixture of judicial philosophies constitutes a "packing" of the Supreme Court lineup.

In short, Mr. President, the nomination of Judge Carswell tests the willingness of some persons to practice what they preach.

There are some persons who express great enthusiasm for dissent and diversity in many parts of our national life, but who became very nervous when they believe dissent and diversity may emerge in places more important than undergraduate rallies.

Mr. President, the confirmation of the nomination of Judge Carswell will help the Court to perform its difficult functions. American institutions thrive on diversity. The Court is no exception to this rule.

THE RELATIONSHIP OF FUTURE FOREIGN ASSISTANCE PROGRAMS, THE NATIONAL INTEREST, AND THE NEEDS OF DEVELOPING NATIONS—AN ADDRESS BY SENATOR EDMUND S. MUSKIE

Mr. EAGLETON. Mr. President, this past Wednesday, at a luncheon meeting of the International Development Conference in Washington, the Senator from Maine (Mr. MUSKIE) delivered a thoughtful as well as thought-provoking address on foreign aid. He has pointedly raised the urgent matter of restructuring our foreign assistance programs and simultaneously restructuring the political base for them. So that all Senators may have an opportunity to read it, I ask unanimous consent that Senator MUSKIE's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF THE 1970's—A NEW LOOK AT FOREIGN ASSISTANCE

(Remarks by Senator EDMUND E. MUSKIE, of Maine, at a luncheon meeting of the International Development Conference, Washington, D.C., February 25, 1970)

If I had believed the headlines and the public opinion polls, I would have called my talk: "Epitaph for a Lost Cause." The subject of foreign aid is not popular, and its prognosis is not favorable. My presence here may be more a testimony to the unsinkable optimism of an elected Maine Democrat than an indicator of my political judgment.

But, to paraphrase Mark Twain: Rumors of the death of foreign aid are greatly exaggerated, and calls for its end, or its decline, are greatly misguided.

I share the conviction of the young people who are involved in the International Development Conference: "Our aim must be to change international attitudes so as to make it impossible for our political leaders to continue to neglect, and often to aggravate, the obscene inequities that disfigure our world."

The time has come, friends of development aid, not to bury that aid, not to praise its past accomplishments, but to commit ourselves to a new understanding of its place in our world and a determination to use it effectively. We must use it to give new life and hope to those who are the victims of those "obscene inequities."

To do that, we need the energy, and the enthusiasm which move the young people who have joined in this conference. We need to reinforce that energy and enthusiasm with the perspective of those who know where we have been, what has worked and what hasn't, and why we went there in the first place.

In looking backward, we can derive some satisfaction from what has been achieved. Foreign aid, properly speaking, began with the Marshall Plan, a success which had everything working for it.

After two world wars, Americans believed that Europe was worth sacrifices in peacetime, too. The dramatic results were due in part to the fact that aid was used, not to build, but to reconstruct previously developed economies. In a sense the early 1950's, with their stress and achievement, are a heroic period in the history of foreign aid, but it is one to which we cannot return.

By the mid-1950's, the Marshall Plan had proved its worth. Europe for the moment seemed to have been made safe for the West and freedom. The suceeding decade presented new challenges to respond to development needs on a broader scale. The newly independent nations of the world needed all the assistance they could get. And we suspected that if we did not help, others might act in our place.

As the front between the two blocs became stabilized in Europe, each side sought to protect or advance its interests in Africa and Asia.

Today, however, I think many would agree that the relationship between foreign assistance and the national interests of the donor powers is not as direct as it once appeared. No nation since World War II has lost its sovereignty because of Communist foreign aid.

That fact has cut some of the urgency of the security arguments for foreign aid. At the same time other supports were weakening, too.

There have always been those profoundly critical of foreign aid. In recent years, they have been joined by those sunshine supporters of aid who—like some university alumni—have come to doubt whether the

goals of the fund drive would ever be met.

Proponents of foreign aid have traditionally pointed out how it benefits us by improving our balance of payments and opening foreign markets to our products. I strongly favor expanding our trade and eliminating the deficit in our balance of payments. But as a practical matter, I feel that many American businessmen, in contemplating disturbed political and commercial conditions abroad, see them as promising more *uncertainty* than profit.

One of the most important causes of the decline in support for development aid has been the war in Vietnam. That conflict has had a profound effect on ideas Americans hold about themselves and the world beyond their shores. For half a decade, the United States has pursued a stated policy of trying to build a stable society in a single nation in Southeast Asia. The effort was unprecedented and because its results have been tied up in the confusion of the war, many have become discouraged at the apparent *ineffectiveness* of our developmental tools.

This conclusion is unfair to our aid program in Vietnam. At no time have we pushed the cause of social reforms as vigorously as we pushed the war effort. As a consequence, foreign assistance programs had little or no chance to prove themselves. They became victims of the disillusionment which has accompanied our Vietnam experience.

Vietnam has also intensified strains in the social and economic fabric of our own society. Americans became more aware of their own society's faults. Many critics consider it presumptuous that we should tell others what their purposes should be and how to achieve them. Others simply decided that we must get on, as a matter of first priority, with reform in the United States. These feelings, while not in themselves hostile to foreign aid, detracted public attention from it, and weakened the defense of foreign assistance programs which must be made each year.

Domestic reform is imperative. It needs to have a higher priority than ABM's, SST's, and other disrupters of society and the environment. But we cannot achieve reform at home if we neglect the needs of the poor abroad. We live, in McLuhan's phrase in a "global village." It is time our policies reflected that fact.

Let us look for a moment now at the prospects for social and economic development in the less advantaged portions of the world.

In recent years the developing countries have had some success in generating material growth. Some have been doing better than did the industrial nations in their comparative period of economic expansion. These efforts, however, often have yielded unforeseen or undesirable side-effects. With our interest in environmental contamination we are conscious of the dangers of heedless development. The Aswan Dam, despite its great contributions to productivity in Egypt, may reduce the organic fertility of the Nile Delta, curtail off-shore fisheries, lead to the spread of water-borne disease, and eventually lose its value through silting of the reservoir.

Even the new miracle crops of the "Green Revolution," which are now feeding so many scores of millions, increase the risk of crop failure on a large scale by expanding the range of agricultural monocultures.

But the basic issue in growth policies is not contamination of the physical environment. The basic issue is the growing demand of rising populations which threatens to strain or exceed the exploitable resources. The gap between the per capita incomes of developed and under-developed nations promises to increase, not diminish.

What will social conditions be aboard "Troopship Earth" as new millions pile on board daily, and the Plimsoll Line disappears from sight? Barbara Ward Jackson has written eloquently about the sprawling cities in the developing world where millions subsist with all the horrors and none of the advantages of urban life. Economically speaking, a shift in populations is not necessarily bad. In some areas of Asia the number of farmers may exceed the point of diminishing returns. A population shift to the cities may by itself, yield an increase in agricultural production. But the social environment in which the displaced populations live, suggests a "culture eutrophication" and the spread of "Lake Erie" conditions in the portions of society that are affected.

Studies made of animal populations under stress show that crowding disrupts important social functions and worsens all forms of social pathology found in a group. If populations continue to rise—with an accompanying increase in stress—animals have been known to die off in great numbers simply because of a vulnerability to their social setting.

This data suggests that man—in both the developed and the under-developed world—should not consider himself as separate from and unconnected with the natural world he inhabits. The ecological principles which concern the conservationists affect human society and must be applied in our domestic and foreign policies.

We have seen that foreign assistance raises complex and difficult issues. Without it, however, the prospects for the social and economic progress of the under-developed nations are at best gloomy and uncertain.

The developed countries must make a maximum effort to help others win the battle for development, because their own interests—and in a sense their own survival—depend upon the result.

No long-term prospects for mankind are more frightening than that of the world becoming divided into two camps, of which one is non-black, non-young, and non-poor.

David Potter suggests that our democratic system is one of the major by-products of our abundance, and is workable largely because of the measure of our abundance. Democracy—with its promises of equality—must also offer opportunity.

A world where half the population eats while the other half starves is a world where the values of American and Western civilization will be warped or destroyed.

Our traditions and our past security have given us a belief that our way of life will triumph in the end. During World War II, it was said that even if the Axis won the war, democracy could survive as long as the liberal tradition continued to function in some part of the world. I do not believe, however, that the democracies could survive anywhere in the kind of world I have been describing.

The nations of the West must realize that they face a more serious threat than any they have previously confronted. The developed nations must join the developing countries in an alliance against human misery and degradation of the environment. And the well-being of the individual cannot be defined in purely physical terms. Institutions must be developed to provide a means of action and self-expression to people who are becoming politically more self-conscious everywhere.

I will not speak at length on what the developed countries must do to assist their poorer neighbors. I have read with interest the President's statement on foreign assistance in his recent report on the foreign affairs of the nation. The report would have been improved if it had spoken specifically about goals toward which our efforts should proceed.

I hope that the President's Task Force on Aid, headed by Rudolph Peterson, will define our goals. Without them, it is impossible to provide direction to our efforts or to know whether we are succeeding or failing.

In terms of its commitment of resources, the United States should at least maintain a level of aid proportionate to that of other developed nations. The United States is not only the richest nation in the world; it has a productive capacity approximately equal to that of all the other industrial nations in the free world combined.

Both in relative and absolute terms, however, our assistance has been dwindling. Seven years ago we provided about $3.6 billion in foreign aid, which was roughly sixtenths of one percent of our GNP. In 1970 our aid contribution will be about $3 billion, or only three-tenths of one percent in a much richer ecnomy. In 1969, for the first time other developed countries provided more assistance to the developing world on equal or better terms than we did. In 1970, their contributions will probably exceed ours by $700 million, and will rise to still higher levels in 1971 and 1972.

I am encouraged by this awareness of the need for development aid in other countries, but we should not now tire of the game just when fresh players are joining our side.

I favor the Pearson recommendation for strengthening the international aid framework to coordinate and review the efforts of both donors and recipients. I also support the Pearson recommendation that all donors raise their contribution to multilateral activities to 20 percent of their total aid expenditures. This means that financial resources for multilateral institutions must be substantially increased so that they can play a more important role, and so they can exercise leadership in those consortia designed to coordinate bilateral programs.

We cannot and should not cancel our bilateral programs. But they must be increased and coordinated with multilateral projects if they are to make a maximum contribution to the healthy growth of developing nations.

A global development effort, carried out within a stronger international framework, underscores the need to differentiate between aid for development and national security assistance.

This distinction should be made in both the legislation and the administration of our economic assistance. The old argument that putting the two together boosts the chances for public support no longer holds water.

Furthermore, we need to bring together in one place the guidance for our participation in development aid. Guidance to the World Bank and the Regional Financial Institutions comes primarily from one agency, policy guidelines to the UN agencies from another. Our bilateral programs receive their guidance from still another source. If the United States is to provide effective leadership in this international effort—involving more than a dozen industrial nations, numerous international agencies, and scores of developing countries—we need to think and speak far more with one voice than before.

In addition, I should stress that economic development requires sustained effort. We cannot put our own resources to most efficient use if we are unable to ensure continuity in our support. This means that we must make major improvements in our present system which requires not only an annual appropriation, but—until this year—that the entire programs be re-authorized annually.

At the least, I believe there should be a four-year authorization of the program of development assistance. The security programs, such as military and supporting assistance, which are not part of such long-range programs, could be authorized separately and annually. Consideration should be given to the appropriation of development funds on a longer range basis, possibly a two-year term, paralleling the life of each

Congress. Congressional committees, moreover, should use their freedom from the annual funding cycle to make in depth studies of development operations in order to provide better policy guidance.

Some will ask if the United States can afford the costs of increased foreign aid? I think the time has come to face up to the realities of difficult choices, and to admit there are less important programs that we cannot afford. A proper definition of our national priorities suggests that the effort must be made.

The issues involved are not only those of development, but involve the nature of civilized man, and the survival of the democratic process. In the longer run, they may concern the survival of man himself.

I would be happy if the nations of the Communist bloc would—in a spirit of good will—join us in this great developmental effort.

I have no illusions that mankind will leap forward automatically to this latest call for concern with humanity. With a half century of violence and unrest behind us, I suspect that mankind's hearing has seldom been so accustomed to cries of alarm, anguish, and indignation. The language of humane concern labors and strains to surpass the drum beat of the arms race.

Nevertheless, I think there are some causes for hope in the contemporary world. Rich and poor nations alike seem to be developing a feeling for the interdependence of men and nations. They seem to be awakening to the realization that we on earth are on a small and fragile planet. How we react to that fact will determine whether that planet becomes a community or a prison of violence and fear.

Our closing note should not be one of optimism or pessimism, but firm resolve. We cannot be certain of the results of our labors. They may succeed or they may fail. But of this we can be sure: If we do not labor—if we do not persevere—mankind will fail to save itself in the midst of monstrous divisions and the growing horror of a world turned against itself.

VETERANS' ADMINISTRATION HOSPITALS ARE IN NEED OF FUNDS

Mr. YARBOROUGH. Mr. President, last week the distinguished chairman of the House Veterans' Affairs Committee announced his intention to hold comprehensive hearings on the operation of the 166 Veterans' Administration hospitals in this country. In his report to the House, Chairman TEAGUE pointed out that there is an average staff ratio of 1.5 employees to each patient, while the ratio is 2.72 employees for each patient in general community hospitals.

The situation in Texas is particularly distressing. There is a shortage of funds for the nine Texas veterans hospitals for fiscal year 1970 of over $3,600,000. These hospitals need an additional 2,700 staff positions to be staffed at the level necessary to furnish Texas veterans with the first class medical care that they are entitled to.

I commend Chairman TEAGUE on his decision to conduct hearings on this important and timely subject. The Senate Veterans Affairs Subcommittee of which I am a member of the Labor and Public Welfare Committee, completed in January 6 days of hearings on the problem of the quality of medical care in VA hospitals. The evidence introduced at these hearings clearly showed that VA hospitals, throughout the country, are underfunded and understaffed. Unless action is taken immediately, the VA hospitals will not be able to continue to fulfill their vital mission. With hundreds of wounded veterans of the Vietnam war being admitted to these hospitals each week, the need for adequate funds becomes more acute.

Mr. President, I commend both the Senator from California (Mr. CRANSTON) and Chairman TEAGUE for the work they are doing on this problem. As chairman of the Labor and Public Welfare Committee, I pledge my full support and cooperation in assuring our veterans of first class medical and hospital care.

I ask unanimous consent that the letter to me from Senator CRANSTON, dated February 5, 1970, and Chairman OLIN TEAGUE'S statement be printed at this point in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 5, 1970.

Hon. RALPH YARBOROUGH,
Old Senate Office Building,
Washington, D.C.

DEAR RALPH: Attached is a copy of a press release issued today by Chairman Olin E. Teague of the House Veterans Affairs Committee regarding insufficiencies in Texas V.A. hospitals. I was sure that you would find the information in this document most interesting and revealing.

This data was collected from a survey which Chairman Teague recently completed of all 166 V.A. hospitals, the returns from which are currently being tabulated. At the same time, the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee has been conducting six days of hearings, completed on January 27, 1970, on the question of the quality of medical care available to Vietnam veterans in V.A. hospitals. These hearings and the results of the House committee's survey have revealed grave shortages of funds, personnel, equipment, and facilities as a nationwide problem in the Veterans Administration hospital and medical care system. Thus, the situation outlined in the enclosed release for Texas is representative of a much greater problem.

The Veterans Affairs Subcommittee has been cooperating closely with the House committee in this endeavor, and we plan to coordinate our efforts in our respective houses to obtain the necessary appropriations both in the FY 1970 supplemental bill and in the V.A.'s FY 1971 appropriation for the V.A. hospital and medical care system.

I have very much appreciated your great assistance, and that of your staff, in our recent set of hearings on this subject, and I look forward to working with you in the near future in the fight to provide our veterans with first-quality medical and hospital care.

With warm regards,
Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Veterans' Affairs.

CARE OF VETERANS IN TEXAS VA HOSPITALS SUFFERS FOR LACK OF FUNDS

Congressman Olin E. Teague (D-Tex.) Chairman of the House Veterans Affairs Committee said today that Texas VA hospitals are not receiving sufficient support to provide the kind of medical care that Texas veterans deserve.

The House Veterans Affairs Committee Chairman announced that searching in-depth hearings will get underway early in the second session of the 91st Congress on operation of the nation's 166 Veterans Administration hospitals. As a forerunner to the hearings, the Committee has recently undertaken an inquiry in an effort to learn whether VA hospitals are sufficiently staffed and funded to provide America's ex-servicemen and women with "second to none" medical care. Chairman Teague said that he was "seriously concerned about recent reports from a variety of sources indicating that many VA hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations." "If this is true," Teague said, "such policies, if allowed to stand will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality."

Chairman Teague said that the Veterans Administration is attempting to provide first class medical care with an inadequate staff. Teague pointed out that the general medical community hospitals and state and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans' Administration has only 1.5 staff for each patient. According to Teague, the university hospitals operated in connection with medical schools are even higher, and have a staff ratio of over 3 employees for each patient. Teague has written to President Nixon and advised that he expects to seek a minimum staffing ratio for the Veterans Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans Affairs Committee investigation of nine Texas Veterans Administration hospitals revealed funding deficiencies in FY 70 of over $3,600,000 to operate about 5,000 hospital beds serving approximately 1,353,000 Texas veterans.

In Texas, VA hospitals are located in Amarillo, Big Springs, Bonham, Dallas, Houston, Kerrville, Marlin and Temple. A 1421 bed psychiatric hospital is located at Waco and independent VA outpatient clinics are operated in Lubbock and San Antonio.

The investigation being conducted by the House Veterans Affairs Committee revealed that under the hospital staffing formula advocated by Teague, Texas VA hospitals are approximately 2,700 positions short of needed staff. These extra positions would cost about $14,100,000 annually. A few of these positions would be difficult to fill, but most are recruitable. Texas VA hospital directors also reported that community nursing care programs at their hospitals were underfunded in FY 70 by over $400,000. More funds were needed approximating $250,000 for dental care due to increased workloads largely created by returning Vietnam veterans. Hospital and clinic directors were recently advised that about $91,000 was being made available to apply against the deficiency.

The 1200 bed Houston hospital has made significant contributions to research of synthetic arterial replacements in cardiovascular surgery, and is one of the most active hospitals in the VA system. The Houston VA hospital reported the largest deficiency among Texas hospitals—over $2,500,000. Funds totaling more than $1,600,000 are needed to provide over 200 positions which Hospital Director Dr. John W. Claiborne reported as being needed to operate at "proper employment levels." Many of these positions are needed to properly staff special Intensive Care Units which have already been constructed and equipped at a cost of about $460,000. The remaining deficiency of over $990,000 included shortages for drugs and medicines of $117,000, $20,000 for outpatient dental exams and treatments, mostly for returning Vietnam veterans, and the balance for medical operating supplies, maintenance and repairs of hospital facilities, replacement

of old and outmoded equipment, and acquisition of new equipment.

A shortage of about 30 much needed research support personnel was also disclosed. In order to support on-going research activities, over 20 positions costing over $150,000 are being diverted from current patient care needs. Over and above these 20 positions, 5 additional positions costing $37,000 are needed to relieve this vital research personnel shortage at the Houston VA hospital.

Dr. James B. Chandler, Director of the 700 bed Dallas VA hospital reported the second highest deficiency amount among the Texas hospitals of over $800,000. The largest part of this deficiency was for staffing about 65 positions at a cost of about $500,000. Some of these positions are needed to correct understaffing of a special surgical intensive care unit, the hospital's recovery room, and other special clinics, laboratories, and services for cardiac catheterization, anesthesiology, audiology, prosthetics, pharmacy, and outpatient activities. Shortages of over $260,000 were reported by Chandler for other annual operating costs which includes drugs, medical and dental supplies, blood and blood products and other operating costs. Unless additional funds are forthcoming, over $70,000 in equipment replacement and acquisitions will be deferred to provide funds this year for pharmacy costs and prosthetics such as arms and legs for many returning Vietnam veterans. Chandler also reported a deficiency of about $58,000 to cover the cost of placing veterans in private community nursing homes who have received maximum hospital benefits at the Dallas hospital. Chandler said that an average daily community nursing home care load of 65 could have been maintained but that initial funding from VA Central Office allowed for only 48.

Dr. Charles S. Livingston, Director of the 700 bed hospital and 400 bed domiciliary at Temple reported FY 1970 deficiencies of almost $216,500. $67,000 was needed to correct staffing deficiencies; $76,000 for other annual operating costs; and over $95,000 for maintenance and repairs of hospital facilities, equipment replacement, and new equipment acquisitions. Dr. Livingston also reported that funding provided to Temple for placing veterans in community nursing homes was far below needs. He said that an average daily community nursing care load of 64 could have been maintained but that his station was allotted initial funds for only 42. Over $88,000 in additional funds were needed to fully fund this program.

Dr. Sam J. Muirhead, Director of the 130 bed hospital in Amarillo, advised the Veterans Affairs Committee that unless he received additional FY 70 funding from VA Central Office it would be necessary for him to divert approximately $19,000 from maintenance and repair and equipment funds for hospital staffing, thus delaying long needed hospital repairs and equipment replacement and acquisitions.

Bonham's Hospital Director, Glyndon M. Hague, reported a fiscal year deficiency of about $100,000. Hague indicated that he was short by approximately $60,000 in personnel funds and about $40,000 for other hospital operations. Hague reported that because of funding shortages it may be necessary to cancel plans to furnish a greater percentage of patients with flame retardant pajamas during 1970 even though their usage was strongly advocated by VA Central Office for patients who smoke. Present VA instructions concerning maintenance and repair at hospitals require projects costing less than $5,000 to be funded from station operating funds. This imposes an especially difficult problem for smaller VA hospitals such as Bonham, according to Hague.

Dr. W. B. Hawkins, Director of the 1421 psychiatric VA hospital at Waco reported $59,000 in operating deficiencies. He also reported he could have used an additional $85,000 to properly operate Waco's community nursing care program and another $18,000 to take care of needed dental care. Funding for the dental care program was almost exhausted by December 31, 1969 due to substantially increased costs and the accelerated return of Vietnam veterans.

The major concern at Waco is the deferral of the long-sought air-conditioning and hospital modernization project. Plans have been completed at a cost of approximately $380,000 and the 91st Congress appropriated $7.5 million to fund the modernization plans even though the Administration struck the Waco project from its revised budget submitted to Congress last April. Congress restored the cut but the project has been stalled because of a Nixon Executive Order to all Federal Departments and Agencies to defer in Fiscal Year 1970 federally financed construction projects by 75%.

Dr. Hawkins stated that in order to bring his staffing ratio more into line with minimal acceptable standards of 1 staff to each patient, 46 additional full time permanent positions were needed which would cost about $284,000 annually at current pay scales. All of these positions were listed as being "recruitable" at present pay scales. Two psychiatrists and 2 psychologists positions costing over $64,000 annually were listed as being "non-recruitable."

Director W. R. Byrd reported to the Veterans Affairs Committee that the primary deficiency at Kerrville's 346 bed hospital was the shortage of $77,000 to fund the community nursing care program to care for veterans who have reached maximum hospital benefits and no longer need expensive hospital care. The hospital director indicated that it would have been possible to maintain a daily average of 17 more veterans in community nursing homes if funds had been provided for this purpose.

The 222 bed Marlin hospital under the directorship of Dr. Albert T. Hume reported that they had been denied funds to purchase a $11,600 Fluoroscopic Image Intensifier which was required for X-ray work in treating intermediate and acute medical patients which are the predominate types of patients now treated at Marlin since the surgical service was moved to Temple. Optimum use of the community nursing care program would have required about $10,000 more.

At Big Spring, V.A. Hospital Director Jack Powell reported that he could have used over $90,000 in additional funds during fiscal year 70 to place veterans in community nursing homes at VA expenses who no longer need expensive hospital care. He recently received an additional allocation of $5,000 earmarked for this purpose but it may still be necessary for him to defer some transfers to nursing homes in May and June of 1970.

Funds have been appropriated by Congress to construct a new 750 bed hospital in San Antonio costing over $27,000,000. However, this project was also delayed by the Nixon Executive Order. Community leaders have been seeking a commitment from the Nixon Administration that funds for the San Antonio VA hospital will be released in the coming year. The 1971 budget indicates that construction funds will be obligated. The proposed VA hospital was planned as a part of San Antonio's new international medical center to operate in conjunction with the new medical school which has begun operation. Another delay in the contract for the VA hospital will cause a serious problem for the new medical school.

Dr. J. J. Novak, Director of the San Antonio VA Outpatient Clinic reported a dental fund shortage of almost $40,000 which is needed mostly to handle increased workloads for returning Vietnam veterans. The Clinic Director also reported staffing shortages for seven additional personnel costing approximately $100,000 annually.

The Lubbock VA Outpatient Clinic Director, Dr. R. K. Hosman, also reported a shortage in dental funds amounting to $26,000.

Chairman Teague emphasized that the Veterans Administration hospital system has long been considered among the best of government-operated medical facilities. "VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas," Teague said.

Teague cited statistics indicating that:

In FY 70 VA will treat 780,487 patients—38,000 more than it did in FY 66—with almost 17,000 fewer hospital beds than were in operation in FY 66.

In FY 70 outpatient visits will total about 7,425,000 an increase of 1,243,000 over FY 66.

VA provides some training for about half of the nation's 7,500 new doctors which are graduated each year.

VA employs 4% of all doctors in the United States and is the world's largest employer for more than 10 different medical professions—including nurses, clinical and counseling psychologists, dietitians, medical and psychiatric social workers, physical therapists, and occupational therapists.

Conducts over 6,000 research projects covering almost every field of medicine.

Teague said that "The fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate so that they become a part of a second rate system."

Some curtailment of VA funding and staffing has been blamed on the "war on inflation" Teague stated. "I take the position the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health," Teague said. "This nation has prided itself in its service to those who have borne the burden of battle. A bi-partisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service connected disabilities," Teague stated.

"I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans," Teague said, "and that's why we're conducting these hearings so we can make a determination if we are doing all that needs to be done to properly and promptly serve America's ex-servicemen."

CRIME IN THE DISTRICT

Mr. MATHIAS. Mr. President, I ask unanimous consent, to have printed in the RECORD the Washington Post's list of crimes committed in the District of Columbia yesterday.

Although none of the following incidents may relate directly to any Members of Congress, unlike my insertion of 2 days ago, all incidents have taken place within a geographical area under the jurisdiction of this body.

Unfortunately, the remedies to this problem have been slow in forthcoming from Congress, and according to the U.S. Constitution, Congress is the only legislative body which can diminish the size of the following list.

There being no objection, the list

was ordered to be printed in the RECORD, as follows:

THREE CHARGED IN STORE ROBBERY ATTEMPT

Two policemen staked out in a Falls Church 7-Eleven store arrested two of three men they said attempted to hold up the store Wednesday night, Falls Church police reported.

The two policemen, stationed behind a door at the rear of the store at 201 S. Washington St., said three men, one brandishing a revolver, entered the store at about 8:15 p.m. While the gunman held the clerk at bay, another man went behind the counter and picked up the bills whose serial numbers had previously been recorded by police, according to the report.

The officers said they then confronted the would-be robbers and apprehended two of them while the third escaped on foot. Police have impounded a 1967 Mustang, which they say the trio drove to the store.

John Archie Tigney, 23, of White Post, Va., and Richard Hall Jr., 29, of 1430 L St. S.E., were charged with armed robbery and are being held in lieu of $25,000 bond each.

Falls Church police said they have staked out stores throughout the city following a "rash of robberies" at High's dairy stores and 7-Eleven food stores this month. They added that Wednesday's arrests were the first that resulted from the recently instigated stake-outs.

In other serious crimes reported by area police up at 6 p.m., yesterday.

ASSAULTED

Ruby Peterson, of Washington, was treated at Georgetown Hospital for injuries she suffered during an attempted robbery. She told police two men approached her as she was walking near her home in the 2800 block of 29th Street NW, and one of them tried to grab her pocketbook from her hand. She said she began to scream and the other man struggled with her, threw her to the ground and fled with his companion.

Rosa L. Macon, of 5400 7th St. NW, was treated at Washington Hospital Center for injuries she suffered when she was hit in the face by a man wielding an iron rod who attacked her about 3 a.m. yesterday in her apartment.

VANDALIZED

Classrooms at Douglas Junior High School, Pomeroy and Stanton Roads, SE, were ransacked sometime between 5 p.m. Feb. 20 and 7 a.m. Feb. 24.

FIRES SET

A fire classified as arson was reported about 5:15 p.m. Wednesday at 1239 Talbert St. SE.

A trash fire was started at noon yesterday in a basement storage room at 3631 Minnesota Ave. SE. The fire caused slight damage to the property, which is owned by the Cafritz Co.

STABBED

Velma L. Davis, of 1862 Central Pl. NE, was admitted to Rogers Memorial Hospital for stab wounds she suffered about 7:25 p.m. Wednesday. She was stabbed in the leg during a fight in her home with a man armed with a knife.

ROBBED

Joe's Liquors, 1225 H St. NE, was held up about 7:20 p.m. Wednesday by two youths. One of them jumped up on the counter, pulled out a long-barreled pistol, and warned the clerk, Harry S. Kaplan, of Chevy Chase, "Don't move." The gunman then walked over to the cash register and ordered Kaplan to open it. After he took the money from the register, both youths searched Kaplan, then fled out the front door and escaped north on 13th Street.

John A. Kirkpatrick, of Falls Church, was held up about 6:15 Wednesday in the 1200 block of W Street NW, by two armed youths. One of them pointed a revolver at Kirkpatrick while the other one removed his watch and money. The pair then ordered him to get into his car.

Michael Ralph Nelson, of Washington, a truck driver for the Canada Dry Corp., was robbed about 12:45 p.m. Wednesday while he was making a delivery in the 3500 block of Georgia Avenue NW, by a young man who threatened, "If you don't want to get hurt give me the money." Grabbing the cash from Nelson, the man made his escape.

Karl's Cleaners, 6228 3d St. NW, was held up about 4:35 p.m. Wednesday by two men, one displaying a gun, who told the clerk, "Give us the money." After she opened the register, both men scooped up the cash and fled north on 3d Street.

Daniel Lynwood Long, of Laurel, was held up by three youths who approached him from behind at 1st Street and Indiana Avenue NW. One of them grabbed Long around the neck and placed a sharp object in his back. The trio demanded money and, after removing the bills from Long's wallet, returned it to him and fled.

Janice Snow, of Washington, was held up about 4:10 a.m. Wednesday in an apartment building in the 1400 block of N street NW., where she was talking in the lobby to another resident of the building. Two youths, one brandishing a pistol, entered the lobby, took Miss Snow's money and ran out the front door.

Louis J. Jones, of Washington, was treated at Washington Hospital Center for head injuries he suffered when he was beaten and robbed about 5:15 a.m. Monday. Three men approached him at 14th and Shepherd Streets NW. and struck him over the head, knocking him unconscious. When Jones regained consciousness, he discovered his money had been taken from his pocket.

High's dairy store, 1709 Kenilworth Ave., Beaver Heights, was held up by two young men who entered the shop about 4:40 p.m. Wednesday when the clerk was alone. One of the youths kept his gun in his pocket while his partner ordered the clerk to hand them the money. The employee handed them a paper bag full of cash and the pair fled on foot.

Alice Winbush, of 1713 4th St. NW., was robbed about 7:45 p.m. Wednesday as she was standing in front of her home. A youth grabbed her pocketbook and ran west in an alley at the rear of the 400 block of R Street NW.

Fannie E. Randolph, of Washington, was held up about 9:30 p.m. Wednesday by two youths who confronted her while she was walking in the 1000 block of Spring Road NW. One of them held a knife at Miss Randolph's throat and said "Give me your . . . purse." Taking the bag containing $3, the pair fled on foot.

John W. Jones, of Washington, was held up about 9:50 p.m. Wednesday in the 1200 block of 6th Street NE, by two young men, one wielding a razor. The armed man held his weapon on Jones, released his dog on him, and took bills from his coat pocket. The pair fled into an alley in the middle of the street.

STOLEN

A total of $700 in cash was stolen between 2 and 7 a.m. Wednesday from the wallets of two men, registered at the Statler-Hilton Hotel, 1001 16th St. NW. Pedro Cubillo, of Universidad Catolice de Santiago, reported $450 stolen from his wallet. At the same time, $250 was taken from Loor Oscar, of Washington.

Three overcoats, a suede jacket and 18 men's suits, with a total value of $2,000, were stolen between 1 and 4:30 p.m. Wednesday from Apostolos Condos, when his apartment at 1410 26th St. NW. was burglarized.

Five rolls of building cable, 20 boxes of insulated wire and 1,000 pounds of copper tubing, with a total worth of $700, and a 1963 Ford truck were stolen sometime before 8 a.m. Wednesday from Dicken's Surplus, 1810 Bladensburg Rd. NE.

A leader-backhoe combination with an estimated value of between $10,000 and $15,000 was stolen last December from a construction site in Hybla Valley, on U.S. Rte 1 in Fairfax County. The Adams-Douglas excavating firm, owner of the equipment, is offering a $1,000 reward for its return.

An electronic calculator, a transcribing unit, a tape recorder and a record player, with a total value of $1,844, and a 1966 Pontiac belonging to Mike Parker, of Oxon Hill, were stolen between 8:30 a.m. and 4 p.m. Wednesday while the car was parked at 23d and Savanah Sts. SE.

NORTH CAROLINA HOLDUP CHARGED TO THREE MEN HERE

Metropolitan police Wednesday night arrested three Chicago men suspected of holding up a North Carolina Western Union office after a Northwest Washington hotel clerk reported the "suspicious behavior" of a trio in the hotel lobby, police said.

The clerk at the Harrington Hotel, 11th and E Streets NW, called police about 10:15 p.m. The officers found one of the men in the lobby had a gun and spotted another one attempting to hide a bag in the lobby phone booth, police said. They said the bag contained wallets belonging to two employees of a New Bern, N.C., Western Union office and Western Union money orders.

Interrogating the three men, police discovered they had just arrived from New Bern. They said descriptions of the men matched a trio that had held up a Western Union office in New Bern earlier Wednesday.

Washington police charged Lawrence Stepney, 28, with possession of an unregistered gun and carrying a dangerous weapon. Charles Hampton, Jr., 22, and Hoyle L. Starks Jr., 23, were both charged with receiving stolen property.

Police in New Bern have mailed fugitive warrants charging the three suspects with armed robbery in connection with the Western Union holdup, police here said.

In other area court and police actions reported by 6 p.m. yesterday.

ARRESTED

Tasker Stowes, 56, of 2804 14th St. NW, was charged with keeping and selling whiskey without a license and possession of an unregistered pistol after a morals division raid at his basement apartment at 7 a.m. yesterday. Police officers said they seized a .38 caliber pistol and 38 half-pints of whiskey.

Frank Jones, 56, of 418 2d St. NW, and Joe Cramer, 65, of 417 Richardson Pl. NW, were arrested at 8 a.m. yesterday during a raid at Cramer's apartment. Cramer was charged with keeping and selling whiskey without a license. Jones was charged with keeping and selling without a license, carrying a dangerous weapon (a gun) and possession of an unregistered revolver.

Charles C. Foreacre, 34, of 25 N. Donnelson St., Alexandria, was arrested Tuesday night and charged with procuring for prostitution last June 4. He is accused of operating a four-girl prostitution ring from the Colony Steak House restaurant, 9908 Lee Hwy., Fairfax, where he is the manager. Foreacre, who was released on $2,500 bond, will have a preliminary hearing on the felony charge on March 14 in Fairfax Municipal Court.

Robert H. Schleeper, 24, of 6156 Wilson Blvd., Arlington, was charged with Statutory burglary after Alexander police said he was discovered fleeing from a breakin at the Copeland Co., 512 N. Pitt St., Alexandria, at 5:50 p.m. Wednesday. Police said the owner, Theodore Christensen, discovered a

window in a door broken and an electric typewriter and an adding machine placed near the door. Christensen said he saw a man running from the scene.

Keith Luke DeMarr, 18, of 616 Piscataway Rd., Clinton, Michael Richard Claggue, 22, and Cecelia Louise Russell, 18, both of 2487 Rochelle Ave., District Heights, were charged with robbery in the theft of a coat and $5 from a youth who was given a ride in the 4600 block of St. Barnabas Road about 8 p.m. Tuesday. Prince George's County police said the 15-year-old told them he was hitchhiking when two men and a women stopped and offered to drive him to Oxon Hill Plaza. Instead they drove him to a gravel pit in the 8500 block of Temple Road where they robbed him and forced him to get out of the car.

A CALL FOR MORE OCEANIC EDUCATION

Mr. FONG. Mr. President, Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, last week made a speech on the vital importance of oceanic education to our Nation.

Speaking at a Navy League symposium, she deplored the fact that America has drifted away from her early maritime history. As a result, this Nation's security and economic prosperity are both suffering adversely.

In Mrs. Bentley's view, what the United States needs is a "new order of knowledge and vision" of the potential for prosperity offered by the oceans.

In discussing the subject of oceanic education, Mrs. Bentley combined her firm grasp of the maritime subject with a graphic style befitting her writing background. Some excerpts follow:

It is a paradox that our Nation—once a major seapower—in the past turned from the sea, while Russia—traditionally a land power—has turned to the sea. . . .

We have become a nation land-locked in our thinking. I contend a radical shift in thinking to regain our perspective is a "must." . . .

Education provides the way to stake out our claims on the minds of young people. . . .

All of our citizens—the young in particular—must be attracted to the wealth and wonders held for us by the world's oceans. . . .

Ecological commitment can provide educational steerageway for exploration of the fascinating facets of the Seven Seas; its wealth, its channels of cultural communication and its avenues of mounting profitable trade.

Mrs. Bentley's call to the Nation for a renewed orientation toward the oceans is sorely needed. Her appeal underscores President Nixon's programs and pronouncements to strengthen the American merchant marine.

I join in supporting the administration's program for a long-range, oceanic endeavor. As the Nation's only island State, Hawaii has a special concern for the maritime status of our country. The concern should be shared by Americans everywhere, for the destiny of the United States will surely be vitally affected by our concern for the present and future state of oceanic endeavors.

I congratulate the District of Columbia Council, Navy League of the United States, for providing the symposium platform for Mrs. Bentley to deliver her remarks on oceanic education.

The theme of the symposium, held on February 17 at the Sheraton Park Hotel, was "Wealth and the World Ocean." Keynoter was R. Buckminster Fuller, world renowned mathematician mariner and global strategist.

A long list of speakers from Government, industry, and academic fields participated on various panels to explore the great potential for prosperity in the new maritime policy formulated by President Nixon last October 23.

The Navy League deserves commendation for its continued efforts to foster the broad spectrum of oceanic education and research in universities, colleges, and other institutions throughout the country.

In her address to the Navy League symposium, Mrs. Bentley outlined a seven-point education program for the advancement of oceanic knowledge.

I ask unanimous consent to have her remarks printed in the RECORD at this point.

There being no objection, the text of the remarks was ordered to be printed in the RECORD, as follows:

OCEANIC EDUCATION—DYNAMIC KEY TO MARITIME PROGRESS

(Remarks of Mrs. Helen Delich Bentley, Chairman, Federal Maritime Commission)

It is a pleasure and privilege for me to have the opportunity to appear before this important gathering of those interested in advancing our Nation's role in and on the world's oceans.

The Navy League stands for a strong America, morally, economically and internally. For years, the Navy League has stressed the doctrine that in a free nation an informed public is indispensable to national security.

Today President Nixon stands before the world as a leader dedicated to peace.

As a statesman and a World War II naval officer, the President understandably has undertaken a renewed orientation of the United States toward the oceans. The President's programs and pronouncement reveals him as a national leader who understands that American strength and American presence on the high seas, militarily and commercially, is the only true course which the United States and the Free World must sail if we, and those who come after us, are to enjoy the fruits of world stability, strength and prosperity.

On October 23, 1969, President Nixon did something dynamic about maritime progress.

On that date, in a message to the Congress, the President outlined a policy for the American Merchant Marine.

This Presidential policy pronouncement, long awaited by the American maritime community, provided, in the President's words, a program of both "challenge and opportunity."

Today, I suggest to this gathering, that one of the great challenges that must result from the President's maritime program makes it mandatory that all of us in a position to do so educate the American public to a full realization of the significance of a long-range, vastly expanded oceanic endeavor. This is so not only in regard to the Merchant Marine, but in all areas. Americans must come to know what oceanics can mean to the Nation. As a people we must be turned competitively seaward in quest of a better quality of global life.

This is the process I term ocean education—which truly can be the dynamic key to all maritime progress. The seas we know will yield their bounty only in proportion to our vision, our boldness, our determination and our knowledge.

A national commitment to stay on the high seas entails a total commitment to oceanic education. Knowledge of the oceans is vital if we are to undertake the massive program called for by pressing problems that confront the Nation. Knowledge, and a wider understanding of the oceanic options are imperative in our serach for solutions in a volatile perplexing world characterized by swift change.

The seas and ships have a strong and romantic appeal. Whether we watch the thunderous breakers built up by a strong northeaster, or the easy wash of the tide along a sandy beach on a still, moonlit night, or marvel as a new ship slides into the water, there is an intellectual excitement stimulated by the pursuit of the true oceanic understanding that sustains a great maritime power.

Oceanic education offers a way to keep the United States in a strong posture of leadership. If education is, in fact, essential to growth and survival, then certainly our power must stem from knowledge. To gain this vantage point of knowledge, every American child's education should be as thorough on the subjects of the seas as it is in the land and space environments, for the potential of the oceans in the field of food, travel and power is limitless.

Dr. Horace M. Kallen, the venerable philosopher, suggests: "There is a great need for school books on the oceans as a human condition." In his judgment, "Such books could be written for all levels of students to cover in growing depth the science, culture and economy of the oceans in the lives of people. They should develop interestingly the role of sea study and seafaring in the growth and upkeep of a society like our own." In Dr. Kallen's view, "It is important to talk to all people and to teach all the people; and not merely foster an association of special interest."

I pray that all of us gathered here and the people of the United States will one day understand the wisdom of these words.

Pacing the decks of the *Manhattan*, as we sailed through the ice-packed Northwest Passage on our historic voyage, I felt the full excitement of a true pioneer, realizing how much we can do and discover, if we really address ourselves to progress at sea. Realizing the nearly limitless field for development, in itself is adventurous. I am confident, with our abiding conviction of an oceanic destiny, we will rise to the challenge. The impact already achieved by the containership revolution is a tribute to American ingenuity and reinforces my confidence and conviction in the area of the Merchant Marine.

But the problem is broader.

Obviously, if we are to realize the potential for prosperity offered by the oceans for the United States—if we are to revitalize our merchant fleet and regain a preeminent position on the world's oceans—we need a new order of knowledge and vision. Every citizen must gain a feel for the oceans, similar to that of the inhabitants of island countries, such as England and Japan. To use the seas, we must know the seas. The oceans must be in our mind and in our blood, and we must be comfortable in its environment.

The American people have to know what the oceans mean to them, what maritime power means to them in terms of their safety and their solvency. Only through knowledge of the sea and its import for the future can the creative ideas of our populace be kindled to progressive effort on the oceans.

Recently undertaken studies show that for the remainder of the 20th century a central maritime concept must guide the political, economic and military actions of the United States.

The security and prosperity of the United States and its allies depend increasingly on the political, economic and military ability of this Nation to dynamically employ the world's oceans.

But America has long since drifted away from its early maritime heritage. We have become a nation land-locked in our thinking.

I contend a radical shift in thinking to regain our perspective is a "must".

I am sure I need not dwell on the timeliness of this Oceanic-Maritime Symposium that brings us together today to stimulate our intellects.

At Phoenix I reminded the leadership of the Navy League of how fortunate the Nation is to have at its command the brilliant naval leadership of Admiral Thomas Moorer as its Chief of Naval Operations. Impressive today is the star-studded cast of American maritime leaders participating in this educational exercise that seeks a nautical design for future prosperity through greatly expanded oceanic enterprise. What impresses me also are the new names and faces attracted to this watery arena of disciplined give and take.

The experienced hold the repository of oceanic understanding, but all of our citizens—the young in particular—must be attracted to the wealth and wonders held for us by the world's oceans.

Education provides the way to stake out our claim on the minds of young people. Within the classrooms of this Nation more of our students must be figuratively plunged into the world of water.

Ecological commitment can provide educational steerage-way for exploration of the fascinating facets of the Seven Seas; its wealth, its channels of cultural communication and its avenues of mounting profitable trade.

At the outset of this decade, the economic opportunities available to the United States through the expansion of world trade and resource exploitation are unprecedented. Expanding U.S. world trade offers opportunities to achieve a favorable gold flow and to meet the needs of an exploding population and a swift-moving industry. The national economy can be stimulated throughout the fifty states with the provision of incentives—for labor and management alike—to compete for their fair share of the world shipping and shipbuilding market.

The creation of vast job opportunities throughout expanding world trade and overseas markets can benefit a broad cross-section of our citizens.

But the seas are a tough taskmaster. For those who sail them—whether an individual or a nation—the exacting environment calls for a competitive instinct, as well as a weather eye. Since maritime affairs are not conducted in a vacuum, knowledge of the competition is essential.

And who is our prime competitor both on the seas of the future, and for the minds of men? Russia.

The thing that impresses me the most, in looking at the over-all Soviet maritime set-up, is the modernity and vigor of their maritime-industrial base. They, unquestionably, recognize that a modern, vigorous maritime-industrial base is the very foundation of a nation's strength upon the seas.

I am struck by the degree of government-level coordination that exists in the Soviet Government—a coordination of all maritime assets in furtherance of national objectives.

There is great momentum in the Russians' program for the oceans—not only in the area of their Navy, but in all other maritime areas; merchant marine, fishing industry, oceanography and, above all, education pertaining to the sea.

Soviet maritime assets are coordinated at the governmental level in continuous support of foreign policy in spearheading the Kremlin drive for world supremacy.

It is a paradox that our Nation—once a major seapower—in past years turned *from* the sea, while Russia—traditionally a land power—has return *to* the sea.

At the time of the Cuban confrontation, the Soviets paid "through the nose" for the lack of merchant seapower, and were forced to charter the ships of other nations for their Cuban adventure. But Cuba taught the Soviets a lesson, and from that day forward they have concentrated on building Red seapower in all its aspects.

That's education!

Since that date, from about 5 million tons of merchant shipping, they have risen to 12 million, and they are continuing to build at a rate of about one million tons a year. Russian officials themselves boast that by 1975 they will have achieved 16.5 to 18 million tons of new merchant shipping. They speak of the profits made by their ships in trade with the world. They speak of the foreign ports they enter and boast of the fact that their seamen serve as ambassadors to other countries, cementing friendship for Russia and advancing the Communist view among people of foreign lands.

They speak of flying their flag in world ports and the prestige it brings to the USSR. They speak of the use of their swift, streamlined ships in developing trade ties with new and older nations alike.

What they do *not* speak of publicly—but what has become evident to maritime nations—is the extent to which modern, newly constructed Russian ships have now begun to undercut world shipping rates in competition with the ships of other nations.

Russian ships have entered third-flag trade—never touching Russian ports—between Japan and Canada, undercutting American-flag and other national shipping between Japan and the West Coast of the United States. In doing so, they provide a perfect example of the use of seapower as a key instrument of national policy.

We are observing a nation-to-nation confrontation in the maritime arena.

As plain as the facts seem to all of us who have a weather eye fixed on the situation, we have not convinced more Americans that it is a bona fide Soviet intention to "bury us at sea".

All of us must resolve, as the 1970's dawn, to tell it to the American people and to tell it "like it is". Here, based on your impressive records, the Navy League can make a major maritime contribution. The key consideration is oceanic education and public knowledge.

I am hopeful that, through broadening educational endeavor, we shall be able to mobilize our valuable resources in time to cope with any mounting Soviet threat, both on the sea and beneath its surface—naval, merchant shipping, fishing, oceanography in its widest sense.

Subsequent to World War II we lost touch, as a nation, with maritime matters; and our heritage of the seas. We must regain our historic perspective as we project our future as a nation dedicated to the proposition that we will maintain ourselves as a global seapower.

Let me try to summarize what I believe:

Happily, if I read the barometer correctly, a great wave of change is in the making. The United States, at long last—with the Viet Nam lesson of sealift clearly etched in our minds—is, with the President's pronouncement, moving forward. The route requires patience and persistence, but, above all, determination in the educational process.

To get on with the magnitude of effort that is indicated, I suggest the following seven educational steps toward the advancement of oceanic knowledge:

First, I urge the fullest development of the *geo-economics of the oceans,* as this Symposium has recognized and responded to with central attention. The economic understanding of the seas is fundamental to our future endeavor.

Second, more of our institutions of learning must focus direct and discerning attention on *national maritime policy.*

* * * * *

Third, the study of *global geography* must get far more attention in the curricula of American students than has previously been accorded, for more and more we must think of the world as an entity in our new undertaking at sea. Rapid and long-range weapons of mass destruction are pulling the world closer together as a strategic shrinkage of the globe occurs.

Fourth, there is a pressing need, as the Navy League has observed with rare discernment, to establish *centers of maritime studies*—centers of oceanic advancement—throughout the country. All oceanic education is innovative. The approach should never be compartmented, it must be an interdisciplinary endeavor from the outset. To spur this new order of maritime thinking there should be the creation of collegia of oceanic advancement on the many campuses of the land that interrelate the studies that cover our seagoing activity.

The *fifth* step is the encouragement of *literary effort pertaining to the oceans.* Whether we recognize the fact or not, our educational process commences with the written word and far too few of the talented American writers, to date, have addressed themselves to the oceans of the world. As part of the educational process, I believe major consideration must be given to bolstering the body of writers who understand the seas and can interpret the problems and potential of the oceans for the American people.

Through the incentives available to us, we must gain the attention of the gifted writers who can bring the importance of the sea home to future generations of Americans.

Obviously, I feel strongly about the literary area of maritime neglect, for I feel our failure to grasp the significance of the seas has been a function of not having the books, the articles, the editorials—yes, the news stories—that compel the maritime motivation needed in these United States.

Sixth, unquestionably, there is a very compelling need for the *oceanic educational foundation* projected by the Navy League to support the advancement of all studies and research related to ocean endeavor.

A strong foundation that can foster an ever-increasing intellectual attention to the problems and potential of the oceans will fill a decided national need. The requirement is of crucial importance to the future of America.

Seventh, is the summary of my talk today. Programs of oceanic education must be instituted and pursued at every intellectual level within our system to regain the knowledge and understanding of the seafaring nation that the United States must become to retain its world leadership and to regain its competitive position on the world's oceans. Maritime research must be given the same high priority as that accorded the aerospace industry to build the modern, competitive ships required by the 21st century.

The timeliness of these seven educational steps in accentuated by the urgent defense and domestic problems now confronting the President and the Nation. The compelling realities of today require that we maintain the best possible seapower defense with low-profile programs within the realistic limits of our national budget. We must learn to do more with less, make the best possible use of our assets, military and non-military.

The job which lies ahead can be done only through team work—the Government-Labor-Management team. Bound together in a community of interest, each member, doing his full share, we must not only rebuild for the United States a major Merchant Marine and an unequalled Navy, but we must develop an intensive effort to harvest from

the sea its bounty of food, its minerals, its veritable untouched wealth. It is a wealth that is self-renewing—a wealth of natural resources that lies beneath the seas for the taking!

THE THREAT OF UNRESTRICTED IMPORTS

Mr. DODD. Mr. President, I have today written to President Nixon asking that he use the power of his office to have voluntary quotas set on imports of rubber-soled canvas shoes and waterproof footwear.

This was done because the seriousness of the injury to domestic industry and workers of increased imports is being brought home to us again by the threatened closing of Uniroyal's Naugatuck, Conn., footwear plant.

This plant has served the area for 143 years and has met much of the country's need for its product. Now it may be forced out of existence, leaving economic tragedy in its wake.

If this tragedy were an isolated case, confined to one small community, perhaps local remedies could be found. But too many of our old established manufacturing plants have either given up the fight against the rising tide of imports from countries with low overhead costs or will be forced to in the future.

The dangers in allowing this situation to continue should be apparent to us all. If preserving the tradition of the small New England manufacturing community is not sufficient reason for taking action, then the threat of economic chaos for a region of the country as large as New England should be.

I sincerely hope that the President will take immediate action to help out in this situation, and I also hope that the Senate will act on legislation to make the escape clause and adjustment features of the Trade Expansion Act of 1962 workable. We must be able to devise a way of investigating and handling problems of import competition so as to avoid dislocations to firms and workers such as is threatened in Naugatuck.

I ask unanimous consent that the text of my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Many small New England industrial communities, which at one time played such a large role in filling the economic needs of the people of this country, face extinction because of the flood of low-cost imports coming into this country.

I write to you at this time about Naugatuck, Connecticut, a community of approximately 23,000 persons located just outside the City of Waterbury. Some 4,000 workers in Uniroyal's Naugatuck Footwear Plant are threatened with the loss of their jobs, because, after 143 years in the area, Uniroyal can no longer meet the competition from imports coming in from countries with low production and labor costs.

This threatened closing would be an economic tragedy for the Naugatuck Valley area, for Connecticut, for New England, and for the nation. As you know, other plants which have served the country well for many years have also been forced to close in recent years for similar reasons.

Because this situation does have implications for the national economic welfare as well as for Connecticut industry and workers, I ask that you use the power of your office in an effort to prevent the closing of this plant.

Specifically, I respectfully request that you encourage the nations involved to meet and set voluntary quotas on the imports of footwear which are doing so much injury to domestic footwear manufacturers and workers.

Thank you for your consideration of this urgent matter.

With all best wishes.

THOMAS J. DODD,
U.S. Senator.

STUDENT CRIME AND VIOLENCE

Mr. ALLOTT. Mr. President, student crime and violence is back in the news.

The nights of arson and violence and rioting around the Santa Barbara campus of the University of California indicate that the wave of campus terrorism has not crested in this country.

Some persons have suggested that campus violence is a thing of the past. Persons who think this are allowing their wish to be father to their thoughts.

The Santa Barbara students have destroyed a building and injured police officers. Their explosion of violence coincided with a visit to the campus by William Kunstler, the chief defense attorney in the Chicago conspiracy trial.

Mr. Kunstler, who faces a long jail term as a result of his shocking courtroom behavior, told the students that he would not condemn their random violence.

Fortunately, Mr. Kunstler's powers in the State of California do not extend beyond the power to incite violence by pandering to young extremists.

Fortunately, Governor Reagan of California has acted swiftly and sternly to restore order to the troubled community.

Mr. President, I hope that Governor Reagan's actions will serve as a model for other officials when they are confronted—as they surely will be—by the senseless violence of campus extremists.

Further, I hope that Congress will remain alert to the problem of campus violence. If the level of violence rises when the warm weather arrives this spring, then Congress may be forced to reconsider its decision to leave university officials exclusively in charge of coping with campus disorders.

I hope this will not be necessary. But university officials must understand that they hold positions of trust. They are entrusted with great national resources—our institutions of higher education—and the Government cannot tolerate tardy or insufficient defense of these institutions.

DISTINGUISHED SERVICE BY MARSHAL F. M. WILSON OF WESTERN MISSOURI

Mr. EAGLETON. Mr. President, F. M. Wilson, of Platte City, U.S. marshal for the western district of Missouri, recently resigned the position which he had held since 1961.

Mr. Wilson was the first U.S. marshal to be appointed by President Kennedy and the first to be reappointed by President Johnson. He served in that position in western Missouri longer than any other man, and he served in a manner that won him recognition as one of the outstanding marshals in the country. There can be no doubt that F. M. Wilson will continue to serve his community, State, and Nation in his future endeavors. He provides a model of civic duty and conscientious service to the citizens of Missouri.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Marshal Wilson of Western Missouri," published in the Kansas City Times of February 24, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARSHAL WILSON OF WESTERN MISSOURI

In nearly a decade as United States marshal for the Western district of Missouri, F. M. Wilson looked at the widest spectrum of America in the 1960s. His deputies were present at school integration confrontations in the South, demonstrations by the Black Panthers in Kansas City, the recent Chicago trial and events that surrounded the Minutemen. Wilson's men ranged far and wide as they were called in for special service.

Now, F. M. Wilson, a Democrat, is succeeded by John T. Pierpont, Jr., a Republican. Such change is the nature of the job which is held at the pleasure of the President. Wilson was appointed by John F. Kennedy and re-appointed by Lyndon B. Johnson. John Pierpont is the Republican nominee of Richard M. Nixon. As Wilson has said, he came in through the political system and he leaves by the political system. Before his appointment, Wilson was known as a strong, partisan Democrat. As marshal, he kept a 50–50 balance of Republicans and Democrats in office. He leaves many friends in the federal courthouse where he has been a courteous man in the halls of that building and a firm, disciplined executive who carried out his duties, often under extreme difficulties that really should have had nothing to do with the routine of the job.

As an arm of the court, the marshal's office handles 3,000 or more prisoners a year (Wilson has done so without an escape); serves at least 5,000 papers annually (criminal and civil) and sends men to any part of the country where needed.

William H. Becker, chief judge of the Western district, says that F. M. Wilson has been one of the outstanding marshals in the country. If he now moves to quieter pursuits and leaves the large responsibility of office to John Pierpont, Wilson can look back on a distinguished career in the midst of trying times.

NOMINATION OF JUDGE CARSWELL

Mr. PEARSON. Mr. President, I take this opportunity to declare that it is my intention to vote to confirm the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court.

Judge Carswell has been nominated and confirmed as a U.S. district attorney.

He has been nominated and confirmed to serve as a judge on the U.S. Court of Appeals.

After a careful and thorough study of his record, the great majority of the Committee on the Judiciary has voted to report his nomination favorably.

The American Bar Association has con-

sidered his credentials and has endorsed his nomination.

I believe he is qualified to serve on the Supreme Court. I believe his nomination should be confirmed. I believe it will be confirmed.

A TEXAS STATE BIOLOGIST WARNS ABOUT PESTICIDES AND THE ENVIRONMENT

Mr. YARBOROUGH. Mr. President, the Dallas Morning News of February 14, 1970, contained an interesting report of a committee hearing conducted by the Texas State Senate on Friday, February 13, 1970. One of those who testified at this hearing was Mr. Ken Jurgens, of the Texas Parks and Wildlife Department. He spoke about the danger posed to the environment by excessive use of pesticide.

Although use of pesticides has reduced the number of crop-destroying insects in my State and thus increased agricultural production, it has been revealed that these same substances accumulate in the bodies of fish, shellfish, and the animals who feed on them. Mr. Jurgens testified that there is an indication of a causal relationship between pesticides and dieoffs of fish and wildlife.

Mr. President, I am very much concerned about this problem and I would like to share the information contained in this article with my colleagues. I ask unanimous consent that the article entitled "Texas Pesticide Problem—Biologist Sees Urgent Environmental Threat," from the February 14, 1970, edition of the Dallas Morning News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS PESTICIDE PROBLEM—BIOLOGIST SEES URGENT ENVIRONMENTAL THREAT

(By Stewart Davis)

AUSTIN.—A state biologist told a legislative committee Friday that widespread use of pesticides has created an urgent environmental problem in Texas.

A dramatic decline in the number of spotted sea trout, for example, probably is caused by a high residue of pesticides in the marine life of Lower Laguna Madre, testified biologist Ken Jurgens, administrator of technical programs for the Texas Parks and Wildlife Department.

Jurgen said an examination of Juvenile fish data revealed as much as 8 parts per million of DDT residue in the reproductive organs of the spotted sea trout.

"The problem with persistent pesticides is their biological magnification in the food chain and their apparent effect on species reproduction and survival," Jurgens said. "It is entirely possible that cholorinated hydrocarbon pesticides will cause serious declines in fish and wildlife and, in some cases, species extinction could result."

Jurgens related a drastic decrease in the number of juvenile sea trout which are spawned in the Lower Laguna Madre Marine Nursery ground adjacent to areas of intense agricultural activity where pesticides are used.

In 1964, biologists collected 30 juveniles per acre in routine monthly samplings consisting of 10 seine hauls, he said.

Five years later, only 7 juvenile trout were collected in 15 acres, and it required 200 sampling efforts over a period of two months to get this many, he added.

Jurgens said a 5-year departmental study developed a conservative estimate that more than 170 million pounds of pesticides are used in Texas each year, and the amount is increasing about 10 per cent to 12 per cent a year.

Of the 170 million pounds used annually, 89 per cent is used for agricultural purposes and 11 per cent is used for home and municipal purposes, Jurgens said.

"Fortunately, about 84 percent of the pesticides used are less persistent types, such as the organophosphates and carbamates, which are not presently of great concern in causing environmental problems," said Jurgens.

"The remaining 16 per cent of the total pesticides used are persistent chlorinated hydrocarbons and it is these which are causing serious problems," he said.

Jurgens said departmental studies in cooperation with federal research have shown that the oyster may contain residues up to 70,000 time greater than the amount found in water.

Random samples of fish-eating birds indicate unusually high residues of DDT, he said.

For example, a peregrine falcon contained 56 parts per million of DDT in the liver and over 8 parts per million in the brain, Jurgens said.

A white pelican contained 84 parts per million in body flesh, 120 parts per million in the liver, 18 parts per million in the brain, 31 parts per million in the heart and 16 parts per million in the kidney, plus 2 parts per million of Dieldrin, another pesticide.

Asked whether these figures were accepted as a positive link between pesticides and dieoffs of fish and wildlife, Jurgens would only say they "indicate" a "causal relationship."

He told committee chairman Criss Cole, a state senator from Houston, that objective experts could be obtained for further committee hearings on pesticide pollution.

Cole ordered Jurgens and representatives of other state departments to come up with facts and figures by Oct. 1 for the cost and proposed plan of action to put new emphasis on air and water pollution control.

Cole asked the Texas Water Quality Board to report whether all state agencies are meeting the terms of their waste disposal permits, and if not, how much it will cost to do so.

He also asked Air Control Board Executive Secretary Charles Barden to issue a reminder that state agencies should inspect and maintain pollution-free exhaust systems on state vehicles.

Cole noted that he was involved in a cloud of black exhaust smoke while driving to the meeting from Houston.

"We pulled alongside the truck to see the owner's name, and it had the state seal on the side," Cole remarked.

METROMEDIA INTERVIEW OF PRESIDENT NASSER

Mr. HATFIELD. Mr. President, we are all deeply concerned about continuing tension in the Middle East. Having recently returned from a visit to Israel, Jordan, Kuwait, and Lebanon, I have been impressed with the urgency of exploring all possible approaches to reconciliation between the opposing factions in this struggle. In this regard, it is important that the precise position of each side that has been adopted in public discussions be completely clear and a part of the record. To this end, I point out that President Nasser was recently interviewed by Metromedia Television News. I ask unanimous consent that the transcript of this interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

A CONVERSATION WITH PRESIDENT GAMAL ABDEL NASSER OF EGYPT

(Interview conducted by Mr. Rowland Evans, Metromedia Television News, and Mr. William Touhy, the Los Angeles Times, Feb. 7–8, 1970)

OPENING COMMENTS

ROWLAND EVANS. The Sphinx was sculpted some 4,000 years ago and these pyramids of Giza were monuments to the Pharoahs of ancient Egypt, that fabulous kingdom of the Nile. Today a 20th century Pharoah sits not only at the head of his own country, but speaks, if any one Arab can, for the entire Arab world of 100 million people. Only a few miles from this spot bombs have been dropping . . . falling on the suburbs of Cairo, dropping from Israeli jets that are stationed just across the Suez Canal, only 60 to 65 miles distant. President Nasser and the Arab world, backed by the Soviet Union, are at war with the new State of Israel, which is fortified by arms from the United States, and that war is going very badly indeed for President Nasser and the Arabs.

INTERVIEW

REPORTER. President Nasser, may I ask you sir when your country will be able to expel the Israelis from Egyptian Sinai Peninsula and re-establish your possession of that ancient Egyptian land?

NASSER. Well of course, I would like that to be tomorrow, you know, but occupation of our territories—almost now about three years—is not only about the Egyptian territories in the Sinai Peninsula. It is also occupation by the Israelis of the Western bank of the Jordan and the Golan Heights of Syria. This is really a big problem for us. After the occupation we accepted the United Nations Security Council resolution and we are willing, of course, for a peaceful solution. Of course, as you know the main part of this resolution was the withdrawal of the occupying forces. Until now there has been no result. (Discussions with Gunnar Jarring) went on between the Arabs and the Israelis for about 18 months but the Israelis refused to express their point of view. They say only that they want to sit with the Arabs, so we have to mobilize our forces, we have to mobilize all our resources. It is not only our right to liberate the occupied territories of our country but I think it is our duty. I hope it will be very soon.

REPORTER. I'm Rowland Evans. Sitting here with me in the Kuber Palace in Cairo interviewing President Nasser is Mr. William Touhy, the Middle East correspondent of the Los Angeles Times. Bill. . . .

REPORTER. President Nasser, there are reports now circulating in Cairo and other world capitals that you recently visited the Soviet Union. I wonder whether you could tell us whether you did in fact visit the Soviet Union in the last two weeks, and if so what was the purpose of the visit?

NASSER. Well, I don't know who was responsible for the publication of such news. In fact we have continuous contact with the Soviet Union. You know the role of the Soviet Union in the Middle East and its problems, but recently I hear about this news as you learned.

REPORTER. Well sir, did you go to the Soviet Union?

NASSER. I would like to go the Soviet Union. I think the time is now good to go to the Soviet Union because of the escalation of the war and the bombardments of the Israelis near Cairo.

BILL. But did you go within the last two weeks to Russia?

NASSER. Well, I really. . . . I don't like to . . . Our position is now not to say yes or no about this question . . . We leave the speculation.

REPORTER. Mr. President, the Israeli air force has actually penetrated deeply into your air space and has been bombing the suburbs of Cairo. Is it possible—do you have the capacity within your own air forces to retaliate today against the cities of Israel?

NASSER. Now I want to tell you something. After the aggression and after the occupation of our territories and after the destruction of our armed forces, we tried to build up our armed forces again to defend ourselves and to defend our territory against any new aggression; but at the same time the Israelis were able to receive from the United States of America 88 Skyhawks and 50 Phantoms, in addition to their armed forces and air force which were not heavily damaged during the war of 1967. We got, of course, some aeroplanes—we have bombers as you know—we can retaliate; we can attack—but still until now the Israelis have supremacy in airforce. Within a few days they were attacking Egypt, attacking Jordan, attacking Syria—at the same time using their airforce.

REPORTER. But Mr. President, only recently an arrangement was made between France and Libya—which of course is a country very close to you in geography and in politics—and those Mirage planes that are going to go from France to Libya, shouldn't they give the United States and Israel a chance to make a similar exchange to keep Israel at the same level with the overall Arab power?

NASSER. The problem is not the aeroplanes really. I want to tell you something. The problem which we feel here in the Arab countries—not only here in Egypt—is the problem of pilots. In order to arrange to have pilots, you need three or four a year. We have more planes than pilots and it is well known and published throughout the world. The Israelis have the facilities—they can bring pilots from America, from France, from South Africa—all emigrating as Jews. We can't do that.

REPORTER. Well, President Nasser, how long do you think it would take for the Libyan airforce to make use of these Mirage planes?

NASSER. According to my information they will not receive any aeroplanes this year 1970. Next year they will receive, I think at the beginning about 8 planes, according to the arrangement of the pilots—they don't have any pilots also—they don't have 100 pilots . . . So they will have next year 8 planes, after that in '72 and '73 they will have the rest of the aeroplanes so there is big publicity according to the balance of power in the areas because of the French Libyan deal. I think it is nonsense because Libya will not receive any planes this year and during the first 6 months of next year they will receive 8 planes. The Israelis have received 88 Skynawks, 50 Phantoms and now they are waiting for another 50 Phantoms from the United States. The Israelis have two pilots for every aeroplane, they have more pilots, they have 50 pilots in France waiting for Mirages but the Arabs don't have pilots, so the Israelis have air security and air supremacy. They say that plainly they attack all the Arab countries at once.

REPORTER. What will Egypt's position be, Mr. President, if President Nixon decides to sell Israel 50 more Phantoms? This decision will be made within the next 30 days.

NASSER. Well I think the answer is very simple. We will try by all means with the Soviet Union to help us in that connection because if they continue to have air supremacy and control of the skies—not only of Israel but of the other Arab countries—they will not try to adopt peaceful solutions. Why adopt peaceful solutions as long as they can have bombers and pilots?

REPORTER. Have you recently asked the Soviet Union for any more military aid or anti-aircraft aid?

NASSER. Well, of course, we have asked the Soviet Union for such aid since the 1967 war until now.

REPORTER. Mr. President do you have any plans or does the Egyptian airforce have any plans to retaliate in kind against Israel. Israeli planes are now bombing within a few miles of Cairo. Egyptian planes have never yet bombed within the original Israeli border. Do you have any plans to retaliate against the Israelis?

NASSER. I can tell you only one thing, we can retaliate. The question is a decision. Until now we don't have a decision to retaliate, but we have to study it.

REPORTER. President Nasser, one more question on this whole business of the Israeli attacks. Is it possible to get the kind of equipment from the Soviet Union—SAM III sites, the latest models for instance of the surface to air missile that could in fact control the kind of penetration that is now going on by Israeli aircraft. Is it physically possible to do that? They come in very low.

NASSER. Well, I think it is possible.

REPORTER. And this would depend on whether you could make arrangements with Moscow to get the latest models of the anti-aircraft missiles. Is that a fair statement?

NASSER. Yes, of course. Well you know, from 1967 we are trying to get more developed equipment from the Soviet Union, but of course these talks were dependent to a great extent about the activities of the other side . . . I mean Israel. Now as long as the Israelis come in on low flying attacks and attack targets in Cairo and Upper Egypt, and also attack civilian targets—not only military targets. Last week in Maadi there was a school very near to the barracks which were attacked. I think it will be very logic that the Soviets give us the best air defense.

REPORTER. Mr. President, on the broader war and peace question—is it conceivable today do you think that this whole area could again become embroiled in a more or less major war such as the Six Day War and such as the 1956 war?

NASSER. Well as long as the Israelis occupy and continue to occupy Arab territories—and as I said almost about 3 years have gone by since, well I think it is our duty to liberate the occupied territory, not only our right as I say. So they want ceasefire. What is the meaning of ceasefire? The meaning of ceasefire is consent from the Arab people to Israel to continue the occupation of the Arab territory and they want to stay on in the Suez Canal as was said to you with your interview with the Israeli Prime Minister. They say that the other alternative of being on the Suez Canal will be in Cairo. We have to fight really to defend ourselves than we have to fight to liberate our occupied territory, so I cannot see any alternative to a peaceful solution according to the United Nations resolution—that is withdrawal.

REPORTER. Well, Mr. President, supposing Israel announced tomorrow that she is prepared to withdraw from the occupied territories, would you then be prepared to make an undertaking guaranteeing Israel's sovereignty, guaranteeing her right to exist in the Middle East as a state; guaranteeing her passage to the Suez Canal and the Gulf of Aquaba?

NASSER. Well I want to tell you something. There was no declaration from Israel . . . but we have fulfilled all what you have said now, all those guarantees. All that was said to Jarring when he was here, we said that we agree about the implementation for the UN Security Council resolution, the sovereignty, the right to live, the right of passage in waterways . . . all these points in the Security Council . . . I have it here in my pocket . . . I can tell you these points. . . . You know these points—but there was no single point from Israel that they agree about the implementation of the Security Council resolution. They thought they'd look to the Security Council resolution as an agenda for negotiation—this is not the Security Council resolution.

REPORTER. President Nasser, Premier Meir keeps saying that she simply wants, and Israel wants, to sit down and talk to you. . . . That negotiations can be worked out. What objection do you as the leader of the Arab world have to sitting down to some political negotiation for settlement?

NASSER. You know I read this interview with Mrs. Meir. Mrs. Meir said that she wants to sit down with me and other Arab leaders without any preconditions. When you said in the interview that you had to declare about the intention of withdrawal from the occupied territories, she said no . . . She will sit with the Arabs without any conditions: this means for us that we sit with Mrs. Meir after the occupation of 20 per cent of Egyption territory by Israel, after occupation of 70 per cent of Jordan and after the occupation of part of Syria. They will be in a very strong position, we will be in a very weak one. This means for us that we go for unconditional surrender. When we look over all our history those who went to sit with the invaders while they occupied their territories, they went only accepting one condition—unconditional surrender.

REPORTER. Mr. President, what about indirect talks? Are you willing to engage in indirect talks with the Israelis while they still occupy part of the Arab state's territory?

NASSER. We agreed about that by accepting the UN resolution by the Security Council of November 1967. I'll tell you something—there were indirect talks going on by Gunnar Jarring for 18 months. He put questions to us asking about our point of view according to the implementation of the Security Council resolution. We answered every question. We said that we accept the sovereignty of Israel, the right of Israel to live, the right of passage through waterways at all points but Israel refused. Israel said that they looked to the resolution as agenda and they want to sit for direct negotiations, so there were indirect negotiations going on for about 18 months without an answer. Then Jarring said that he had nothing to do and left and now he is in Moscow.

REPORTER. But Mr. President it was my understanding that your foreign minister, Mr. Riad, made an agreement I believe with Mr. Rogers at the UN last year on the Rhodes formula which was, of course, the formula which led to the negotiations which set up Israel as a state. Is it your position now Sir, that you would in fact engage in Rhodes type negotiations?

NASSER. Well really I want to correct something: there was no agreement between our Foreign Minister and the US Foreign Minister about Rhodes Formula. You know the Rhodes formula—I don't know from where they brought this term Rhodes formula—this was going on in 1949 on the island of Rhodes. Well, something took place through the Arab representative in New York, the representatives of all the Arab countries in New York, the representative of the Big Four Powers in New York, of Israel in New York, of Gunnar Jarring in New York, U Thant in New York—and those were going on. Well why do they insist about the word "Rhodes" as direct negotiations and not as indirect negotiations? We said that we looked to Rhodes as indirect negotiations not direct negotiations—then why do we tie ourselves to this formula. Well we have our representatives in New York, they have their representatives in New York, Gunnar Jarring can go to New York, the Big Powers have

their representatives in New York—anyone can come and contact us. We are ready to have contact but not direct negotiations with Israel.

REPORTER. Mr. President, on a somewhat related question, Israel had been attacking the US for some months now for interfering in trying to arrange a settlement. Israel says she will not accept an imposed settlement and is against the United States talking about it to the Soviet Union and the Big Four. You attack the U.S. for giving weapons to Israel. What can the United States do under these circumstances, Sir?

NASSER. Well there is a great difference between giving weapons, 50 Phantoms and another 50 Phantoms and 88 Skyhawks and another 100 Skyhawks . . . There is a big difference between that and talking with the big powers. Well we are ready to accept anything from the United States; if they give us 88 Skyhawks and they give us 100 Phantoms and also some pilots, go to the Israelis and talk as they like to talk with anybody . . . So really it is not fair to compare the two point together.

REPORTER. I'd like to compare for a moment, Mr. President, and talk about the Commando activities, the guerilla warfare along the borders of Israel. Do you feel, Sir, that the Fedayeen movement is a threat to the power of the leaders of individual countries like yourself?

NASSER. I think we could not look to it as power. What is my power as long as 20 per cent of my country is occupied by the Israelis. Where is King Hussein's power as long as 70 per cent of his country is occupied by the Israelis? It is not question of power cr individual personalities or a question of land and people.

REPORTER. Mr. President, recently people have talked about the commando movement as the third force in the Middle East. In the event that there were some kind of settlement some day, would not the presence of the Palestinians be an unsettling force, would the Israelis ever agree to a settlement with the Fedayeen if they were allowed to operate from either Egypt or Jordan or Syria against Israel after a settlement?

NASSER. Well you know if we take this question as it is we'll be neglecting the rights of the Palestinians and the rights of refugees in their homelands. Why we have to ask ourselves, why this problem has continued for 20 years after the 1948 war. There were resolutions from the United Nations according to the refugees then there was a conciliation committee to bring the Palestinians and the Arabs and the Israelis together. The Committee was formed from the United States, France and Turkey. Then everything was neglected so the refugees continued as refugees . . they haven't returned back to their homeland, so the problem has continued for 20 years If we don't solve the refugee problem, the Palestinian problem, there will be no peace

REPORTER. Presumably a refugee settlement would be part of final peace solution. Do you, Sir, find that within the Arab world the commando leader Yassa Arafat in anyway rivals you for the affection of the Arab people?

NASSER. You know it is not a question of rivals, it is a question of independence; it is a question of getting rid of the occupation. If Arafat is able today to get rid of the occupation, to establish the Arab sovereignty; you were speaking about the Israeli sovereignty, what of the Arab sovereignty, our territory is occupied. Well, I'll be marching behind Yassa Arafat, it is not a question of individuals.

REPORTER. Mr. President, may we return to one point. You are the leader of the Arab world as much as any one man is. Over the year 1969 you usually called in many of your speeches for a military solution. Earlier in this conversation you talked about a political solution. Are you and Egypt now on the side of a political solution through negotiation, say through indirect talks with Mr. Jarring or do you favor a military solution through force?

NASSER. Well if we return back to '67 we came out of the war without anything. We lost all our arms, we lost our army so our intention, our object by that time was to rebuild our armed forces. Then we accepted the United Nations Solution. Egypt only and Jordan accepted the United Nations Security Council Resolution. Well there was a debate in the Arab countries people against the political solution, people supporting the military solution. I want to tell you something—there is nothing which is called a political solution and nothing which is called a military solution—there is a solution. We have to talk for a peaceful solution, on the other hand we have to establish our military force, it is our duty; there is no peaceful solution to liberate our occupied territory. So I haven't talked at all recently or lately about military solutions. I will tell you on the 6th of November—I think you mean the speech in the parliament, I talked about a peaceful solution. We tried and so on and Jarring went on for 18 months without a result, so what is the other alternative in front of us? We have to liberate our occupied territory. The other alternative is a big sea of blood and fire and so on; the reports of all over the world in the newspapers, nobody mentioned what I said about peaceful solutions but all that was mentioned was what I said about the alternative. If there is no way of peaceful solution, what we could do, it is the right of every country with occupied territory so always I talked about that and that.

REPORTER. Mr. President, the Soviet Union was not a power in the Middle East or in the eastern Mediterranean until quite recently, do you feel that the Soviet power in this area will decrease or increase with a settlement of the basic problem?

NASSER. Well I want to tell you something. I was in contact, close contact with the Soviet Union. They are always for the peaceful solution. They tried by all means to reach a peaceful solution.

REPORTER. Do you think then that the Soviet Union today is pushing for peace in the area as much as your country?

NASSER. You know I hear sometimes that they don't mean what they say, but I want to tell you something, the Soviet Union was always meaning a peaceful solution—I talked with them—until today.

REPORTER. Except, Sir, that the fact of turmoil continuing in this area gives the Soviet Union ever greater entree, is that not true?

NASSER. Well, of course, I want to tell you something, now we depend to great extent on the Soviet Union. Well if you give, if the United States gives the new 50 Phantoms to the Israelis, where do we go? We have to go to the Soviet Union. But I want to tell you something, the fact whether they get advantage, or don't get, they want a peaceful solution.

REPORTER. Why is it, President Nasser, that the Arab countries cannot form a common alliance, a military alliance? You spoke a moment ago of a pilot shortage. Is it possible that you would ever form an alliance with one air force, an alliance with various countries, one army so that you would concentrate your power? It is now so diffuse.

NASSER. Well, I agree with you it is a problem. It is not an easy problem. You know dealing with such questions there are many problems which have to be solved, but I think your point of view is correct and the right point of view. We tried that when we formed the Eastern front and the western front and the Arab joint command and we will have a meeting next week. We'll have a meeting about the heads of State around Israel, whose territories are occupied. We will try to discuss such questions.

REPORTER. Is it conceivable that a unified command particularly in the air could come out of this meeting? In the next few weeks or months?

NASSER. Well it will need time. It is not an easy question. Can I tell you something? It was said by Mrs. Meir that we attacked them in '67. I'll tell you something, they were preparing two pilots for each plane and we were . . . a shortage of pilots all over the Arab countries, so this is a big proof that we were not preparing for attack. And also on this time, three of our armoured forces divisions were in Yemen. If we prepared to attack Israel, I think the first reasonable thing was to bring our three divisions from Yemen and to be sure that we have two pilots for every aeroplane; and to be sure that we'll have air supremacy, but we were attacked in '67 as we were attacked in '56. In '56 there were no troubles with Israel at all. The trouble was with Britain and France because of the nationalization of the Suez Canal.

REPORTER. Mr. President, you did on May 28, 1967 or rather May 23, close the Straits of Tiran which the Israelis took as a cause of war. Would you do that again if you were to regain the Sinai, or would you permit Sharm el Sheik to be demilitarized or to have United Nations troops there to guarantee Israeli passage in the event of a settlement?

NASSER. I want to prove to you that my intentions in '67. There were speeches from Israel against Syria, by the Prime Minister of Israel and by the chief of general staff of Israel. They said that they would be able to walk to Damascus. We declared that we had joint agreements for military defence and if this happens we will help the Syrians. The Israelis continued in their threats then we moved our troops to Sinai; then we asked the Secretary General of the United Nations about the withdrawal of the United Nations Emergency Force between Rafa and Eilat and we asked him to keep these forces in Sharm el Sheik and Gaza. These were our intentions. There were no intentions by that time to close Sharm el Sheik because he hadn't asked the withdrawal of the (UNEF) from Sharm el Sheik. Well, but the answer came back that either we keep the force as it is or move it completely. Well, what will happen in the future? I think we have to discuss that with Gunnar Jarring.

REPORTER. Would you permit a demilitarized Sinai if you were to regain the occupied territory?

NASSER. We will not permit a demilitarized Sinai. Sinai represents 20% of our country. Will you permit demilitarization of 20% of your country?

REPORTER. Well Mr. President, would you permit a demilitarized zone at the border because what Israel worries about is airfields right there at the border of her country which could get at Tel Aviv in 3 minutes.

NASSER. We agreed about that, of course, when we were discussing the question with Gunnar Jarring, we agreed about a demilitarized zone; we agreed about an international police force; we agreed about all these points because these points were part of the Security Council Resolution but Israel refused to discuss any of these points with Gunnar Jarring.

REPORTER. Why is it Mr. President that Israel with this very small population of 2½ million people can seem to have supremacy on the ground and in the air over these vast numbers of people that inhabit the Arab countries? You spoke of the pilot shortage, why is there a pilot shortage?

NASSER. Well, I want to tell you that there are many reasons. One thing it was not at all in our agenda or in our plans . . . anything about an attack against Israel. Anything about offensive actions against Israel. I gave a speech here on the . . . May, 1965 to the Palestinians; I told them, well, we have no plans to attack Israel—our plans are mainly directed to defend our territory. I

think the Israelis were smarter than us. I agree with that.

REPORTER. But Mr. President, you have been quoted in the past and in the period before '67 as saying that Egypt and the Arabs would "throw Israel into the sea". Now surely that is not a statement conducive to peace?

NASSER. I bet you I can. I have all my statements. I have all my speeches. I haven't said these words at all in my life. If you prove, I can give you. . . .

REPORTER. Perhaps Radio Cairo . . . (Nasser interrupts)

NASSER. No, you speak about, I don't know what they say in Radio Cairo. You don't know what they say in the newspapers in the United States or in the radios or television? They say different. Where many people come and say what they want to say, but I said only about the Israelis question that we ask about the rights of the people of Palestine, the refugees who were deprived completely out of their territory and their land, deprived of their property. But I haven't said that we'll get rid of the Israelis, we'll send them to the sea. If you go to Israel they'll tell you that Nasser has said so and so and so, they said that to your congressmen, they said that to all the visitors from the United States but, I want to tell you something; you can have a collection of my speeches, my interviews—there is no single world about sending the Israelis to the sea.

REPORTER. Will you translate them into English for me? Mr. President, may I ask you about diplomatic relations between Washington and Cairo? If the mood here is in the direction of settlement, why is it not possible for you, sir, to accept our offer of re-establishing diplomatic relations after almost three years?

NASSER. Well, I'll tell you something. All the people here know that the United States is not evenhanded in this conflict in the Middle East. All the people know that the United States supplies Israel with arms, not only with aeroplanes. I talked only about aeroplanes, but also with tanks—Patton tanks from Germany received by Israel lately after the occupation of our territory. Spare parts, ammunitions, rockets, bombs—the bombs which were hitting Maidi last week are made in the United States; the rockets are made in the United States. Suppose that I agreed about that and tomorrow the Israelis received the 50 Phantoms. What will be my position in facing my people? It is a question internally. I want our people to feel that when we move such a direction, it will be based on concrete points that the United States will take an evenhanded policy according the problem of the Middle East.

REPORTER. President Nasser, you're holding a series of meetings this week and you're meeting with the leaders of the so called "confrontation countries". Do you see that this might mean a new change in policy for the United Arab Republic? Are you planning any kind of new departure diplomatically, perhaps towards a peaceful solution through the aegis of Ambassador Jarring, or what do you see coming in the month's time?

NASSER. Well, first of all this meeting is to coordinate the defense of our country against the aggression of Israel. The aggression of Israel is taking place every day against Syria, Jordan, Lebanon, and Egypt. The occupation is going on now for about 3 years. I want to tell you something about our policy—Our policy about a peaceful solution with Israel. We declare that after November, after the declaration of the United Nations Security Council Resolution, it is still our policy that we have to try to reach a peaceful solution but we insist that the key position for reaching a peaceful solution is the complete withdrawal of the occupied Israeli forces from the Arab territories.

REPORTER. Mr. President, can you reach a peaceful solution and then everything happen at the same time?

NASSER. No, we can reach a peaceful solution as a package and everything happens at the same time . . . according to the Security Council Resolution.

REPORTER. May I ask you a personal question, President Nasser? The revolution occurred in 1952, in 1954 you became President. You have been in office for a very long time. I'd like to ask you what are your plans, do you plan to stay in office and how is your health?

NASSER. Well, you can see my health, I think. It is easy and I think my plans, I said to the people that I will stay until the complete withdrawal of the Israeli forces from our territory, after that I will say my plans. I think it is my duty now to continue to get rid of the occupation. I tried on the 9th of June, 1967 to leave but the people refused to permit. I think they will not refuse also to permit me today.

REPORTER. President Nasser, back to the package settlement. Israel has made it clear many times in public statements that Jerusalem itself will remain under Israeli control, and Mrs. Meir made that point that the flag of Jordan would never again fly over Jerusalem. Would this be included in your package settlement?

NASSER. Jerusalem is one of the main points, I will not accept, of course; they gave Jerusalem to Israel. This would be against the Security Council Resolution because the Security Council Resolution was talking about the withdrawal and about not permitting occupying territory with force. So, when I say withdrawal, I mean withdrawal of all occupied territory.

REPORTER. But realistically, President Nasser, is it not a fact that you believe, do you not believe, that Israel means what she says about Jerusalem? She has not said that about Sinai, about Sharm el Sheik, about the Golan Heights?

NASSER. Well, I mean, Israel thinks that they are the masters in the area. This will not continue for a long time.

REPORTER. But you do believe that she means, Mrs. Meir, that she will never, Israel will never, withdraw from east Jerusalem?

NASSER. But, of course, I cannot tell you about what Mrs. Meir means—but I can tell you about what I mean. I mean that withdrawal means complete withdrawal!

REPORTER. Mr. President, the United States Secretary of State, on November 9, set a new policy statement about the Middle East. It was an attempt, most diplomats thought, for the United States to show a more evenhanded approach to the Arab states. The Russians appeared to reject it out of hand. Do you feel that the United States can do anything to help or suggest or find a way toward a peaceful solution?

NASSER. Really, we have some objections to this plan. First of all, it was dividing the Arab countries this was our main objection.

REPORTER. But I understand that it was supposed to be part of a package; that the Egyptian border first, then the Jordanian?

NASSER. This was said after that. Then we think that this plan is different from the Security Council Resolution because the Security Council Resolution was definite about every point; definite about the withdrawal from all the territory; definite about the mission of Jarring. But this plan left some points to be for mediation between the Egyptians and the Israelis. This means that Israelis will have really the right to veto because they occupy our territory if we don't accept their point of view they will not withdraw.

REPORTER. On the Big Four proposals on Jordan and Israel as opposed to Egypt and Israel, would you approve King Hussein starting indirect talks with Jarring or some other third party on the basis of the Big Four proposals?

NASSER. Well—if there will be Big Four proposals, we will be ready to talk with Jarring, not only King Hussein, we are for peaceful solution, we don't want war for war, really, we want to liberate our occupied territory.

REPORTER. Mr. President, why do you think that Israeli planes are bombing so close to Cairo, what do you think is the strategy involved with this long range aerial attack?

NASSER. Well, I think that this is the arrogance of power, first of all. The Israelis think that they are strong. Alright, they are strong, they know that they have air superiority alright; they have air superiority but they neglect the characteristics of the Arab people. We are here and we were here for 7,000 years. We faced many problems like this problem. You live here and you know our people. Our people, well sometimes we are different from others think. Well, I think these raids will strengthen the solidarity of the Egyptian people and they are very patient people; we will be patient until we will be able to deal with our enemies.

REPORTER. But President Nasser, so far the bombing in the suburbs of Cairo by Israeli aircraft has been restricted to unpopulated areas. What if the Israelis started blowing up bridges across the Nile river in Cairo itself and moved their bombing in closer? Will not that result in perhaps some different feeling among your people?

NASSER. Well, whatever the feelings will be, I'll tell you something, we will not surrender. When I say "we", I don't mean myself, I mean the Egyptian people.

REPORTER. Well, President Nasser, is it possible that the Egyptian people and the Arab people and the Israelis can ever live in harmony in the Middle East? Is this in the cards, historically?

NASSER. Well, there are two main parts. First of all the complete withdrawal of the invaders, the Israelis, from the occupied territories. Second point is to solve the problem of the Palestinians. It was said, for instance, by the leaders of the Palestinians, that they are ready to live in Palestine with the Israelis as they are today; with the Jews as they are today; with the Moslems and the Christians. But the Israelis insist to get rid of the Palestinians and to have their nation build only on Judaism. They take Judaism not only as religion but as nationalism. This is complicating the problem. I don't know if we decide to have our countries based on Islam and the others based on Christianity and the other based on Buddhism that would be fanatic actions everywhere.

REPORTER. Just one last question, Mr. President. If these 50 Phantoms are, in fact, delivered to Israel, the new 50 Phantoms, is it conceivable that your country could retaliate against the United States by perhaps expropriation or some such measure?

NASSER. Well if this happens, by that time I will go to Moscow because Moscow will have really the word in the Middle East. They have to give us arms to be able to retaliate; they have to help us in order to defend our country against the invaders and against the aggression.

REPORTER. Thank you very much, Mr. President for your graciousness in sitting down and talking to us.

ROWLAND EVANS. Mr. Touhy and I have been interviewing President Nasser in his private office in the Kuber Palace in Cairo, the capital of Egypt.

ADDRESS BY SENATOR DOLE BEFORE MISSISSIPPI VALLEY ASSOCIATION

Mr. BAKER. Mr. President, later this year the Committee on Public Works,

of which I am privileged to be a member, will hold oversight hearings on the civil works program of the Army Corps of Engineers. These hearings will, I think, be of significant importance to the Congress and to the country, because it is clear that the major public activities undertaken by the Corps have a measureable impact on the quality of our overall national environment.

On February 1 the distinguished junior Senator from Kansas (Mr. DOLE), a valued and respected member of the Subcommittee on Flood Control—Rivers and Harbors, delivered an address to the Mississippi Valley Association meeting at St. Louis, Mo. I personally believe that the speech was an important one and deserves the attention of other Members of the Senate. I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR DOLE BEFORE THE MISSISSIPPI VALLEY ASSOCIATION

I am delighted to be here today to share some of my thoughts on the development of America's great water resources. Recognition of the importance of taking affirmative action to protect our environment has long been a concern of your organization. Since 1919, you have continuously fought for a coordination of our total water uses with soil improvement, fish and wildlife development and the needs of the American people. Because of your established interest and expertise, the nation must look to you for guidance as it awakens to what President Nixon described as the "major concern of the American people in the deacde of the seventies."

Water projects, their design and construction as well as the procedures by which they are approved are an important part of this concern. Over the years an elaborate procedure for approval of these projects, which appears to have its own momentum, has evolved. Because of these procedures, it is difficult to identify the weak and unnecessary elements. It is safe to say, however, that Congress shares a great deal of the blame for most of the archaic authorities under which the civil works programs of the Corps of Engineers presently operates. Authorities enacted in the late 1800's and early 1900's may not be suitable for the 1970's.

Not only the authority, but the enormous body of rules, regulations, guidelines, and other materials have become extremely complex and at the very minimum extremely confusing to the public. This work places a burden on the committee on public works as it carries out its role in the biennial approval of the Omnibus Rivers and Harbors Act. Several of my colleagues and I on the public works committee are considering the best means by which the committee can exercise its other constitutionally charged function to conduct oversight hearings on the general program of the corps. It is hoped that we may begin this review during this session of Congress and that your organization will play a meaningful role in identifying inefficiencies and recommending alternatives to the existing program. Specific questions involve such things as the benefit/cost ratio, relocation of individuals or communities and, of course, the considerable amount of time between the authorization of a project and its construction. This last factor often adds to the complexity and difficulty of the previous two. As you are well aware, it is not unusual for a project once authorized to not be initiated—much less completed—for several years following the studies and data upon which the project was authorized. This, of course, adds to the burden that the public must shoulder.

One of my own observations regarding the present system for the development of water resource projects is that the public does not participate in as meaningful a way as projects of this substance and magnitude dictate. Too often the public's role in the present administrative process occurs so late in the procedure as to put them at a distinct disadvantage. By that time, the corps has developed a tremendous documentation in support of or in opposition to a particular project. We must incorporate into this system public participation at an earlier stage.

The thrust of President Nixon's state of the union message and an earlier address concerning the environment was that we must develop an integrated and comprehensive approach to environmental problems. This message, of course, applies to water resource projects. We must consider such projects in the total context of the environment and utilization of the environment. We must consider the effects of water resource projects on adjacent land use, population distribution, concentration of industry, and a whole myriad of factors that contribute to either environmental degradation or environmental quality. It should be acknowledged at the outset, however, that the achievement of a comprehensive approach is extremely difficult and one which will take dedication and commitment from all levels of our society and, of course, all levels of government. We are now coming full cycle to realize that decision-making regarding the environment cannot be left solely to the Federal Government or even the Federal Government working with State governments. To achieve an environment of quality, we must have the participation and help of all citizens. Your role, therefore, is not one of waiting for decisions from government. I would hope Congress will exercise its responsibility to make such participation legally possible and that your organization and your members, as citizens, will endeavor to participate in a meaningful way.

COSTS OF CLEANING UP OUR ENVIRONMENT

Mr. YARBOROUGH. Mr. President, cleaning up the environment will surely be the issue of this decade. The New York Times of Sunday, February 15, 1970, carried a thoughtful analysis of the pollution problem and this administration's attempts to deal with it. There are two points in this article which were particularly interesting to me.

First, we should realize that ending air and water pollution will be an expensive task. To use an example which has been used before on a different issue, we must make a special effort now because, for too many years, we did not make it. We must now spend to stop pollution and to reverse this trend toward destroying our environment because we did so little to prevent it.

Part of this price which we must pay should not be jobs, however. Some of the corporations which have been operating facilities which befoul the water and poison the air now claim that the cost of cleaning up these facilities would be too high and that they be forced to close down. Mr. President, I submit that we should not permit these polluters of the air and water to push the cost of their thoughtlessness and lack of concern for others onto the backs of their workers. These men and women should not have to pay with their jobs for their employers' wrongs. I hope, Mr. President, that Congress will write this concept into the laws we should pass this year to begin to end pollution.

Mr. President, I ask unanimous consent that the New York Times article of Sunday, February 15, 1970, entitled "Environment: Concerns and Doubts Over the Nixon Program," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCERNS AND DOUBTS OVER THE NIXON PROGRAM

WASHINGTON.—Following President Nixon's message to Congress on environment last Tuesday, Senator Clifford P. Case, Republican of New Jersey, said: "The President's proposals for protecting the environment represent the clearest recognition of the problems and the greatest influx of new initiative presented by any President since the administration of Theodore Roosevelt. But they are still not enough."

Mr. Case's statement is no exaggeration—providing emphasis is supplied to the phrase "by any President," for Presidents have not notably been leaders in environmental protection. The initiatives have come from Congress.

Nor is there any question that the proposals are still "not enough" if the President's goal is to be reached—"the rescue of our natural habitat as a place both habitable and hospitable to man." But even though the President's proposals were only, for the most part, a moderate extension and stiffening of legislation already on the books, they went more than far enough to suggest the magnitude of the problem ahead, their potential for controversy, and thus to raise concern and doubts.

The concern is centering on the new standards (or at least new ways of setting the standards) for industrial water and air pollution and on the enforcement procedures and penalties set forth in the President's message. Most of this concern on Capitol Hill is concentrated among the Republicans, particularly in the House of Representatives.

The doubts center on the President's proposed funding, and are concentrated chiefly among the Democrats, particularly the long-established antipollution bloc. Members of the bloc believe the President's proposed spending is hopelessly inadequate for his procalimed objectives.

HEART OF THE PROGRAM

The concern (which is likely to turn into opposition) and the doubts can best be illustrated by the problems of industrial and municipal pollution of air and water—the heart of the program.

On water pollution, the President proposed that for both interstate and intrastate waterways, water quality standards would be amended "to impose precise effluent requirements on all industrial and municipal sources . . . with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted."

On air pollution, Mr. Nixon would abolish the present system under which the Federal Government approved air quality standards set by the states to be applied within "air quality control regions" embracing major industrial and metropolitan areas, instead, he would have a Federally established national air quality standard to be met by all states

"while permitting states to set more stringent standards" of their own.

Furthermore, the President would have Federally established national emission standards for plants emitting pollutants extremely hazardous to health, regardless of the amount of the pollutant, and for selective classes of new facilities that could be "major contributors to air pollution."

Finally, he proposed that industries or municipalities failing to meet water and air quality standards and correction schedules be subject to court action, ranging from injunctions to fines up to $10,000 a day.

Congressional environmentalists fear Mr. Nixon's water programs might represent a backward step by permitting plants to dump pollutants up to the "assimilative capacity" of a river rather than insisting on a clean-up. They also feared that his program would permit degradation of the streams now unpolluted. They also feared his minimum national air quality standard would become a maximum standard in many states.

But these were not fears of many industrialists and Republicans in Congress. What they saw was the tremendous cost of installing the devices to control pollution in order to meet the standards.

Administration officials have been saying with one voice that the antipollution costs were properly "a cost of doing business" and thus could be passed on to the consumer. But industrialists and those in Congress who are attentive to their views do not see the matter in quite such simple terms. They fear that there is a limit to what the consumer will bear and when that limit is reached, the remaining antipollution costs will be reflected in lower corporate profits.

Furthermore, they contend that costs which big companies and new efficient plants can possibly absorb become insupportable for small companies and old plants. The upshot, they say, may be unemployment with accompanying outcries from local government, especially in small towns where a plant is the principal employer.

A preview of the possible trouble ahead, they suggest, was provided last week in Duluth, where the 50-year-old United States Steel plant employing 2,500 was under orders of the Minnesota Pollution Control Agency to install smoke abatement equipment. Herbert Dunsmore, director of U.S. Steel's environmental affairs, said that compliance would cost $5-million; that it would "further price the facility out of the market," and that if the state insisted on compliance, the only alternative was to shut the plant down.

Many Republican Congressmen, and not a few Democrats also, are far from keen about the President's proposed fines, even though the draft legislation makes it clear they are not mandatory. Even so, a tough judge could make things very difficult if he imposed $10,000 a day over an extended period.

POSSIBLE TROUBLE

That the Administration recognizes the possible legislative trouble ahead on enforcement and penalties was evident last week when it placed them in a separate bill on the water pollution program. This would give many Republicans an opportunity to vote for other parts of the program—such as reform and financing of waste treatment legislation—while still voting against severe penalties for violators. Congress watchers are waiting to see whether William C. Cramer, ranking Republican on the Public Works Committee and a not overzealous environmentalist, will sponsor the bill dealing with enforcement and penalties.

Meanwhile, Democratic environmentalists, led by Senator Edmund S. Muskie, chairman of the subcommittee on air and water pollution and author of most of the antipollution legislation in the past decade, saw a quite different opportunity for attack in the President's money requests for his program.

Mr. Nixon has asked for authority to obligate $4-billion over four years as the Federal share in a $10-billion program for waste treatment facilities. Senator Muskie, however, would have the Federal Government obligate $12.5-billion over five years, with state and local government matching this for a total of $25-billion—compared to the President's $10-billion. Mr. Muskie's proposal is based on an estimate prepared by the executive department back in 1966, that $20-billion would have to be expended by fiscal 1972. It takes into account the failure of Congress to appropriate the amount authorized in the 1966 Clean Waters Restoration Act and the inflation that has since occurred.

FIGURES MISSING

The President has not set a figure on the amount he will request for his clean air program after the next fiscal year. However, his appropriations request for fiscal 1971 is $106-million an increase of only $10-million over what Congress has appropriated for this fiscal year. By contrast, Mr. Muskie will introduce a bill asking for appropriations of $325-million a year for three years beginning in fiscal 1971.

In his State of the Union Message, Mr. Nixon said, "The price tag on pollution control is high." The Democratic response is going to be, "You're right, and are you prepared to ask for the money?"

CARSWELL AND THE ABA

Mr. HATFIELD. Mr. President, as one who was an educator before entering public life and is not a lawyer, I have paid very close attention to the records of the committee hearings and the debate on the Senate floor as the Senate has considered nominees for membership on the U.S. Supreme Court. As a result of this study, I was pleased to give Chief Justice Warren Burger my complete endorsement and support. As I said at that time, he is a strict constructionist and gives the Court a balance. Senators are aware that recently I was unable to support Judge Haynsworth.

As I study the hearing record of Judge Carswell, I would like to draw the attention of Senators to the American Bar Association's recommendation. The American Bar Association has set up a special committee to pass upon the qualifications of judicial candidates nominated by the President of the United States to the Federal courts. The committee consists of 12 members, each from a different part of the country. The committee is appointed by the president of the American Bar Association, and has been playing a role in evaluating Presidential nominees for judicial positions for many years.

Although in the case of nominees for lower Federal courts, the committee has a series of ratings, in the case of nominees for the Supreme Court of the United States, the committee has only two ratings: "qualified" and "unqualified." The committee at the time of Judge Carswell's nomination found him to be qualified; and at its recent meeting in Atlanta, during the midwinter meeting of the American Bar Association, the committee reconsidered the nomination and again unanimously found him to be qualified to sit on the Supreme Court of the United States. I ask unanimous consent to have printed at this point in the RECORD a letter to Senator EASTLAND from Lawrence E. Walsh, supporting Judge Carswell.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
New York, N.Y., January 26, 1970.

Hon. JAMES O. EASTLAND,
Chairman, U.S. Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR: Thank you for your telegram of January 21, 1970 inviting the comments of the American Bar Association Standing Committee on the Federal Judiciary with respect to Judge G. Harrold Carswell, who has been nominated for the office of Associate Justice of the Supreme Court of the United States. The Committee is unanimously of the opinion that Judge Carswell is qualified for this appointment.

This committee has previously investigated Judge Carswell for appointment to the District Court in 1958 and for appointment to the Court of Appeals for the Fifth Circuit in 1969. On each occasion Judge Carswell was reported favorably for these appointments. The Committee has now supplemented these investigations within the time limits fixed by your telegram.

With respect to nominations for the Supreme Court, the Committee has traditionally limited its investigation to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee. Accordingly, the opinion of this Committee is limited to the areas of its investigation.

In the present case the Committee has solicited the views of a substantial number of judges and lawyers who are familiar with Judge Carswell's work, and it has also surveyed his published opinions. On the basis of its investigation the Committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States.

Respectfully yours,
LAWRENCE E. WALSH,
Chairman.

Mr. HATFIELD. Mr. President, at its midwinter meeting in Atlanta recently, the ABA Committee on the Federal Judiciary reaffirmed its earlier unanimous finding. At this point I ask unanimous consent to have printed in the RECORD a portion of a Sunday, February 22, 1970, New York Times article dealing with the Carswell nomination.

There being no objection, the portion of the article was ordered to be printed in the RECORD, as follows:

BAR PANEL REAFFIRMS VIEW THAT CARSWELL IS QUALIFIED FOR SUPREME COURT

(By Fred P. Graham)

ATLANTA, February 21.—The American Bar Association's Committee on the Federal Judiciary reaffirmed today its earlier unanimous finding that Judge G. Harrold Carswell was qualified to serve on the Supreme Court.

After reviewing recent disclosures of alleged segregationist actions by Judge Carswell and considering charges that he lacked qualifications for the position, the committee again

concluded that he was qualified to be an associate justice. Nine of the 12 members on the committee were present.

Lawrence E. Walsh of New York, chairman of the committee, said at a news conference at the American Bar Association midwinter meeting here that his committee had studied the various questions that had been raised by law professors and A.B.A. members concerning Judge Carswell's suitability.

The major allegations that have arisen since the committee first approved Judge Carswell on Jan. 25 were that he harbored racist feelings toward Negroes.

It has been disclosed that Mr. Carswell helped to form a private golf club to take over Tallahassee's municipal facilities when they might have been forced to desegregate, that he sold a piece of property with a restriction in the deed against future occupation and purchase by non-Caucasions, and that he chartered an all-white booster club for Florida State University.

Judge Walsh explained that the committee had re-evaluated its endorsement of the nominee's judicial qualifications "as a matter of routine" because the nomination is still pending before the Senate. The A.B.A. committee rates judicial nominees on the basis of professional competence, judicial temperament and integrity.

The nominee is a member of the United States Court of Appeals for the Fifth Circuit in New Orleans.

CONGRESS SETS RECORD WITH HEALTH LEGISLATION

Mr. YARBOROUGH. Mr. President, for the information of the Members of the Senate and for our friends in the press, I would like to point out the remarkable record which the Congress has made this week in the area of health legislation. On Wednesday afternoon the Senate adopted two conference reports, previously agreed to with House conferees, on major health bills. Yesterday, the House of Representatives also adopted the conference reports on these two bills, thus sending them to the President for his signature, and at the same time adopted two additional health conference reports which in the matter of a few hours came to the Senate floor and late yesterday afternoon were approved by the Senate and sent on to the President. Thus without any fanfare or great publicity, the House of Representatives and the Senate, in 2 days, approved and extended four major health programs. Never, to my knowledge, has such expeditious action in both Houses on such a large number of important bills of basic legislation been accomplished out of one subcommittee.

This quiet carrying out of the responsibilities of the Congress was possible only by the complete cooperation of all members of the Committee on Labor and Public Welfare, and when I say all members, I include all members of the full committee, both the majority and minority, and particularly those members of the Subcommittee on Health whose duties under our system are to hold hearings and to sit during executive sessions to hammer out the details of the legislative proposals.

The members of the Subcommittee on Health—Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, and Mr. HUGHES for the majority side; and Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, and Mr. SAXBE for the minority side—spent hours and days working on these legislative proposals. They unselfishly gave of their time to attend hearings; they sat in executive sessions and considered, discussed, and perfected amendments, and they lent their support when these bills came to the floor.

Mr. President, it would not be fair for me to praise only the members of the Subcommittee on Health of the Committee on Labor and Public Welfare. Such a remarkable record would not have been possible without the complete cooperation and assistance of the House of Representatives, in the persons of Mr. HARLEY O. STAGGERS, the chairman of the House Committee on Interstate and Foreign Commerce, the ranking Republican on that committee, Mr. WILLIAM L. SPRINGER of Illinois, and also members of the Health Subcommittee, Mr. JOHN JARMAN of Oklahoma, Mr. PAUL G. ROGERS of Florida, Mr. DAVID E. SATTERFIELD III of Virginia, Mr. ANCHER NELSEN of Minnesota, and Mr. TIM LEE CARTER of Kentucky.

The House and Senate conferees met on 2 days, February 17 and 18, and in 2 days produced four conference reports on major bills. I believe all members of the conferences set some kind of a record by this prompt and responsible action and they should be congratulated.

The four bills which are now on their way to the President for signature are: S. 2523, the Community Mental Health Centers Amendments of 1970; S. 2809, amendments to the Public Health Service Act for assistance to schools of public health; H.R. 11702, the Medical Library Assistance Extension Act of 1970; and H.R. 14733, to amend and improve the health program for migrant workers.

Mr. President, I think a brief description of the health programs which were extended and improved by action of the Congress this week is appropriate at this point.

S. 2523, the Community Mental Health Centers Amendments of 1970, extended for 3 years the program of assistance for construction of community mental health centers and contains a total authorization of $270 million for this purpose spread over the 3-year period. In addition, the bill provides for $155 million over a 3-year period for grants for staffing community mental health centers, and both increases the share of Federal money which will be made available and extends the Federal assistance in this area for 8 years. The bill would give increased emphasis to our efforts to meet the problems of alcoholism and drug abuse by nearly tripling the funds available for this purpose. The Congress authorized $105 million over 3 years for this improved and strengthened program. And finally, the Congress, recognizing the growing problem of mental health in our youth and adolescents, provided a separate program to aid with mental health problems of children and provided an authorization of $62 million over the 3-year life of this program.

Mr. President, this is a tremendously important bill to all our citizens. It will provide for better care in more local mental health facilities and for new treatments in areas which in the past have been neglected.

S. 2809 extended for 3 years the program of formula grants for assistance to schools of public health, and increased the authorizations to fund projects for training in public health programs. Schools of public health are the only source to train vitally needed health professionals and this program has been strengthened and improved by this act of the Congress. It will help to fulfill a recognized need for additional public health manpower.

The provisions of H.R. 11702, the Medical Library Assistance Extension Act of 1970, are extended for an additional 3 years, with significant improvements in this very important program. The bill provides additional financial assistance for the construction of health library facilities so that our medical schools will have the necessary tools to assist in their educational efforts in the training of medical personnel. It will support training of health librarians and information specialists to bring the newest medical information to the attention of students and doctors alike. It will expand and improve health library services by providing grants for additional resources in terms of medical and scientific journals and publications so that the best and latest thinking will be available to the medical profession. It will also support the development and improvement of a national system of regional medical libraries so that information can be quickly transmitted from major central libraries to the area that has an immediate need for the information.

To carry out these improved and strengthened programs, the committee authorized, over the 3-year extended period of the programs, an appropriation of $63 million.

The fourth bill which was sent to the President this week by the Congress of the United States was H.R. 14733, which extended for 3 years the program of assistance in providing health services for our migratory agricultural workers and their families. Nine hundred counties in this country furnish seasonal homes or work areas, or both, for an estimated 1 million migratory farmworkers and their dependents.

Migratory farmworkers and their families are the group most likely to be bypassed by national health gains. They are poor, they live in inadequate housing, and they are often geographically isolated. Less than $12 yer pear per migrant is spent for health care of these people as compared to $250 for the average person living in this country. The significant improvement in this legislation was to increase the group to whom services will be available by adding domestic migratory agricultural workers where the Secretary finds that the provision of health services will contribute to the improvement of health conditions of migratory workers and their families. In many cases it is impossible to distinguish be-

tween migratory agricultural workers and domestic agricultural workers doing the same kind of work. Where these groups are mixed we would provide, in this new improved bill, health care for all since their health problems are the same.

To carry out this improved health program, H.R. 14733 would authorize $75 million to be appropriated over the 3-year period covered by the extension of this program.

Mr. President, I offer my sincere congratulations to the Congress for taking prompt and effective action this week to make significant improvements in the health programs designed to aid our people.

LEONARD HICKS—A SUCCESS STORY

Mr. FONG. Mr. President, it is always a pleasure and an inspiration to read about the success stories of Americans. Such a story is "Success is a Journey," which describes the brilliant rise to prominence of Leonard Hicks, head of the Leonard Hicks Organization.

The article, which appears in the January issue of the Sales Meetings magazine, gives the profile of a man who, in 1945, after being discharged from the Army, opened a small office in Chicago and built the Leonard Hicks Organization into one of the largest of its kind in the world.

Today, it has 22 divisions, 17 offices and in 1968 booked more than $101 million worth of business into hotels with which he has a representation agreement.

Mr. Hicks has written five books on hotel sales. When only 29, he was elected president of the Hotel Sales Management Association, which also elected him as one of the first four members in its hall of fame.

Sharing his love and good fortune with others, Mr. Hicks has adopted 15 children in different countries around the world. He pays for their sustenance and education and offers personal support through letters, visits when possible, and job opportunities when they become old enough to work.

Mr. President, I would like to afford Senators the pleasure of reading about this remarkable man and ask unanimous consent that the article on Mr. Hicks be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUCCESS IS A JOURNEY

Leonard Hicks is a hotel representative, a pioneer in the field, and a man who runs an empire. The Leonard Hicks Organization is one of the largest in the world. It has 22 divisions, 17 offices and in 1968 booked over $101 million worth of business into hotels with which he has a representation agreement.

Hicks—pleasant, greying, stockily built and around 50—opened a small rep office in Chicago in 1945, three months after his discharge from the Army.

The Hicks Organization has a reputation for having high-powered, top caliber executives running the show . . . and L. H. gives them their heads. "We don't designate any office as headquarters," he says in his direct, forceful style. "We obviously must have a clearing house for communications, but beyond that each office is autonomous. The burden of carrying their own weight is on the individuals running each office.

"When I'm here (his Miami office could be considered administrative coordinator since he has a home nearby) half of the people here aren't even aware of it. They stand on their own and that's the way we all like it."

Hicks has a devoted staff, partly it seems, because they think so much of him personally and partly because they have unlimited opportunity within the bounds of the Organization.

Included in the staff of personnel are over 150 sales and marketing people who last year helped bring the firm $34 million more in bookings than the year before, bringing the total over $100 million for the first time.

How much help did computers give toward ringing up that total? Hicks see the computers in the hotel industry today as an aid in office operation, payroll preparation, keeping track of accounts and reservations, but until the computer can come up with "an instant sales manager," it should be used as a shortcut, not as a substitute for people in a people-oriented business.

"Computers, properly programmed, should lend a great deal of sophistication to the efforts of individual hotels and firms who program them properly. However, the hotel marketing business is a people-oriented business.

"Profits do not generate themselves . . . they are generated by sales . . . and sales alone. Can a computer sell? It cannot. Can it think? It cannot. Hence, with the marvelous things it can do, it cannot do the everything.

"Computer salesmen have claimed they can do anything, but they cannot. Plainly speaking, computers have been oversold."

Hicks went on to elaborate on the fact that the role of a good hotel representation organization is often confused even in the minds of professionals. "Simply put," he says, "a rep does the work of a hotel sales manager if he could be in 15 places at one time, but we do much more. We act as an employe of the property represented in every capacity . . . in generating sales, in helping to build the image, in dealing with the industry on their behalf, in consulting on management problems, in recommending advertising and public relations, in development of group business, in forecasting business, in helping with direct mailing programs, and in a thorough and complete knowledge of the area and the competition involved in the area. We even promote business to the entire area by cooperating with the tourist development boards, particularly in off shore areas."

The hotel representative offers valuable services to meeting and convention planners.

"Nearly half of our business volume is group business," says Hicks, "company and association meetings, conventions, seminars, and incentive groups.

"We can tell the executive planning the meeting or convention what properties would suit his needs, check availability, secure rates, and wrap up the details with him locally.

"We have a history in our files on the movements of most groups so we know where they have been and what properties they might consider for the future. We try to match the right people with the right hotel in the right location. We depend on repeat business and the one way to get it is to relieve the planners of many things that he would otherwise have to worry about.

"We have the number of rooms available, their dimensions, the specs. We know what audio-visual equipment is on hand and where it is. We attempt to know our properties inside out so that we can relieve him of worrying if a room is large enough, has enough outlets, or presents the right setup for films or slides.

"It is part of our job to make his job easy for him. He tells us he wants a room for an assembly of all of his people on two occasions, needs 10 smaller rooms for workshops at another time, etc. We have the information about the facilities in our office as well as the rates and can match the right group with the correct facility.

"All of this doesn't cost the client a thing. The rep receives his compensation from the hotel. Our contracts are usually three, four or five years' duration."

Usually the representative's salary from a hotel is based on a straight monthly retainer plus an override on the amount of business booked. Arrangements vary greatly among the 500 reps in the business today, just as the value of the reps vary.

"To group all reps into a common mold," says Hicks, "would be like grouping a deluxe hotel with a skid row dwelling." There are several good ones and a lot not so good, but this is true in most any business today.

Hotel reps can help a hotel tremendously, according to Hicks, particularly when the chemistry between ownership, management and the rep is good.

He pointed out that one property they took was grossing $1.8 million for the year and last year the rep alone booked $3.5 million into it. They have other properties they book over $4 million into with the highest being $6.9 million.

The Hicks group has luxurious offices in all of the cities in which they are located in the U.S. and Canada. The New York and Miami offices are equipped with orientation theaters. Newer offices include London and Frankfurt with Dallas, Buenos Aires and Singapore offices to be opened in early 1970. Offices in Stockholm, Caracas and Madrid will follow.

The Hicks group recently entered the hotel management business. The new division does not affect the operation of the current representation organization but will complement and enlarge on services now offered. The first two properties contracted were in Oceanus North and South in Freeport, Grand Bahama Island.

"We are going to expand our management operation very carefully and very selectively," says Hicks. "We are in no hurry to prove anything and want properties that are compatible to our way of operating. We don't want any mediocre properties."

That's pretty much the way he feels about everything. He can't tolerate mediocrity. He, himself, has excelled in several fields. He was an outstanding athlete at one time holding championships in boxing, handball, and golf, despite football injuries to knees and back. He is a strong believer in physical fitness, swims most mornings in his pool at home, and works out every evening at a local spa.

He was born in Chicago, son of one of the industry's best known hotel men, the late Leonard Hicks, Senior, who managed the old Morrison and Pick Congress in Chicago.

His first job was at 15 as a key clerk during summer vacation from school. He later worked in hotel storerooms and in other departments before arriving in the hotel sales department which was to be his niche.

He started his rep business in 1945 and "made money the first month. It was lucky I did as I was figuring expenses on a basis of when I went into the Army. When I got out they were a great deal higher.

"The business took off right away and grew steadily. When we started we concentrated on group business only. I believe we were the first in this field to do that."

Hicks has some other fascinating facets to his personality. He has written five books, all on aspects of hotel sales, and donated receipts to the Hotel Sales Management Assn. of which he is a staunch booster. HSMA re-

sponded to his years of service and dedication by electing him as one of the first four members in its Hall of Fame.

He has set up, using his own time and money, and the time of his general counsel, the HSMA Educational Foundation which allows contribution of manuscripts to be published by the Foundation.

When only 29, Hicks was elected president of HSMA. This was revolutionary at the time. He was not only very young for the honor, but was not a hotel sales manager . . . he was then a hotel representative.

He won despite hot opposition but HSMA enjoyed a great year and Hicks recalls that "the ones that were most against me at the beginning wanted me to run unopposed for a second term.

"I refused," he recalls laughing, "because that's an honor that you should have only once and then give someone else a chance. No one has run for a second term since."

Hicks in another side of his charismatic character has adopted 15 children, each from a different country, such as India, Hong Kong, Israel, Italy, Spain, Argentina, Jamaica. He pays for their sustenance and education and offers personal support through letters, visits when possible, and job opportunities when they get old enough for work.

"In many areas," points out Hicks, "poverty is severe and their chances to earn a good living are slim. We intend to give them a dream—and hope—in the future. With proper education they can turn these dreams into realities and their desires into solid achievement. The answer lies in their own personal motivation. All we can supply is the opportunity."

He recalls with a laugh some of the letters received from the children who are devout correspondents. Their letters seldom fail to brighten the day.

"We love these youngsters and let them know it in many ways including telling them.

"There is no such thing as a generation gap with these young people. All generations need the help of all others."

Leonard Hicks is an original kind of man—humble despite all his self-made success. Outspoken and frank, he is dedicated to being the best at whatever he does. But perhaps his main trait is his respect for others. He feels that all individuals deserve respect and he gives it. He gets great respect in return.

And his favorite maxim sums up his unique view of life. "Success is a journey—not a destination." With him, getting there is more than half the fun.

THE ABM

Mr. BURDICK. Mr. President, the Fargo Forum provided an interesting editorial recently dealing with President Nixon's and Secretary of Defense Melvin Laird's announcement that they will ask Congress for additional ABM sites. Because of the interest of my colleagues and the American people in this most important matter, Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ABM EXPANSION PROGRAM SHOULD BE SLOWED

When President Richard M. Nixon, by virtue of a tie vote in the Senate, got the necessary congressional permission and appropriation to proceed with a limited deployment of an anti-ballistic system in the last session of Congress, his razor-thin victory was accomplished because the administration convinced some doubting senators that the reliability of the defense could be tested only with actual deployment.

There were only two anti-ballistic missile sites to be activated, one in North Dakota and one in Montana. The missiles to be installed at these sites are designed to protect the U.S. intercontinental missiles planted in silos across the two states and aimed at Russia.

But before the two sites even get well into the construction phase, President Nixon and Secretary of Defense Melvin Laird have announced that they will ask Congress for additional money to install ABM systems to protect the densely populated urban areas from a "minor power, a power for example like Communist China." Communist China is not a minor power, except for the fact that its intercontinental missile potential is regarded as second class.

Mr. Nixon's expanded ABM program carries with it a price tag that could easily stretch to at least $50 billion. Unquestionably he is going to have trouble convincing some of the more reluctant members of Congress that an extension of the ABM system is needed at this time, long before the effectiveness can be demonstrated by the Montana and North Dakota installations. In view of his intense efforts to hold down federal spending in other areas, the President may not only lose the efforts to expand the ABM system, but he may also lose the authority to spend the money which was appropriated in 1969.

For most Americans, the idea of stopping an attack of intercontinental missiles carrying nuclear warheads with defensive missiles, also tipped with nuclear warheads, is in the realm of science fiction. Perhaps the average citizen is beginning to hope that no one will ever again use nuclear weapons in any kind of war.

But if this nation is attacked, the general public probably doubts that all of the incoming missiles can be stopped. If they can't all be stopped, then there seems to be little use to spending billions of dollars to put up an effective ABM screen. Still, the public was willing that the nation go ahead with the first two installations so that the effectiveness of the ABM program could be tested. But to have the program expanded one year later, long before any actual test can be accomplished, is certainly going to make the average citizen doubt the administration's arguments of last year, as well as the arguments for extension.

Not only is the ABM still unproven, but also unproved are the administration's explanations that area protection is needed against China or some minor country. We think it would be a good idea for the administration to slow down its expansion program at an early date in the new budget discussions.

WELFARE REFORM

Mr. HARRIS. Mr. President, on February 10, 1970, I introduced the National Basic Income and Incentive Act—S. 3433—a bill which would replace the present welfare system with a Federal income maintenance system and give immediate financial relief to the States, not by a revenue-sharing plan but by letting the States keep more of their own money.

By providing an adequate level of payment, national standards of eligibility, and administraton of the system on a humane basis, S. 3433 would provide the kind of minimum standard of life that would allow those on welfare a real chance to break out of poverty and to become whatever their abilities and ambitions will permit.

While the executive council of the AFL–CIO was meeting in Bal Harbour, Fla., this week, welfare reform was considered. The council considered the various proposals which are pending in Congress to reform the welfare system. It reached the conclusion that S. 3433 comes closest to meeting the requirements for a compassionate and equitable welfare program.

The council commented on the need for welfare proposal to provide adequate work incentives and for those who cannot work adequate levels of payment. The council commented:

The proposals in S. 3433 would implement both concepts by improved work incentives for those who can work and benefit payments at no less than the poverty level to recipients who cannot work.

I think Senators will find the statement of the AFL–CIO useful, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON WELFARE REFORM

The Administration's proposal for welfare reform, though manifestly inadequate, has had the merit of focusing public attention on the glaring deficiencies of the present welfare system. The Administration should be credited for recognizing the need for a Federal minimum floor under what are often pitifully meager welfare payments and Federal eligibility standards, improvements the AFL–CIO has long advocated. It has also proposed an income floor of $90 a month for public assistance recipients who are aged, disabled and blind, the so-called "adult categories." But the level of payments proposed by the Administration for famililes wtih children, $1600 for a family of four, is grossly inadequate and other features of its plan are equally unacceptable.

It is essential that the whole area of public welfare be put in its proper perspective. No conceivable reform of welfare can solve all of America's domestic and social ills. Indeed, to pretend it can, makes correction of these ills impossible. Public welfare cannot assume the responsibility of providing education, health, jobs, housing and legal services, or eradicating racial discrimination, or supplying many other unfilled social needs. In fact, public welfare exists in part because of the failures in other areas to meet human needs.

Public welfare should have one basic purpose—to get cash into the hands of those unable to provide for themselves. Therefore, there is just one valid criterion for both eligibility and the payment amount: need. But that need must be assessed realistically and humanely so that people forced to depend on public welfare can live in decency, as measured by acceptable standards in today's America.

The AFL–CIO long opposed the former practice of reducing dollar-for-dollar payments to welfare recipients who were able to obtain jobs We therefore welcomed the 1967 amendment which, though inadequately, instituted for the first time federal participation in financing of work incentive payments. But incentives for those who can obtain jobs must not be used as an excuse to hold at sub-poverty levels incomes of welfare recipients who cannot work. The proposals in S. 3433 would implement both concepts by improved work incentives for those who can work and benefit payments at no less than the poverty level to recipients who cannot work.

The AFL–CIO is convinced that if public welfare is to adequately meet the need of poor Americans, it must be a federal welfare program, with adequate payments based on the sole criterion of need, and with fed-

eral financing and administration of welfare costs. In order that all needy people will be treated alike, it must eliminate the existing artificial categories which have resulted in inequitable treatment of some needy people and complete denial of assistance to others.

The Administration's proposal of a Federal minimum payment of $1600 for a family of four would leave welfare recipients receiving it, mired far below the poverty line. The $1600 represents less than half of the poverty level and will be even less adequate in 1972 when the plan is supposed to go into effect. Even with the addition of $750 in food stamps that the Administration has recommended, such families would still have to eke out a living at approximately 40 percent below the poverty level.

The proposed payment level is so inadequate that less than 20 percent of present recipients of aid to families with dependent children (AFDC) would receive higher payments. Though present stipends average only $10 per person per week, over 5 million would not benefit at all from the Administration's proposal. Moreover, since it fails to provide for periodic updating, payments might be held at present sub-poverty levels indefinitely while living costs continued to climb.

Since Federal financing above the $1600 level would be discontinued, AFDC recipients now getting more than this amount might find their benefits cut. Increases would depend wholly on 100 percent financing from strapped state and local treasuries.

The Administration bill would continue mandatory work and training programs for welfare recipients. People cannot be forced into jobs that do not exist. They can't take training programs that aren't yet functioning or put their children in day care centers that haven't been built. America should provide people with adequate education, provide upgraded training where needed for the underemployed, make jobs available which pay at least the statutory minimum wage, make day care centers available for children of mothers who want to work and make decent health care available to everyone.

A fundamental fallacy in the Administration's proposal is its fatalistic attitude toward the existence of the working poor. It was the AFL–CIO which first directed attention to the shameful fact that millions of Americans who work full time receive such low wages that they and their families are forced to live in poverty conditions. To correct such conditions, the labor movement has fought through the years to extend minimum wage coverage to all workers and to raise the minimum wage to a decent level. Today, that is, at the very least, $2 an hour.

The Administration seems to have lost sight of one fundamental fact. Most poor families in America with an actual or potential breadwinner can be lifted from poverty if their wages are at a decent level. If this is done, only the incomes of large families in which there is only a single person working at the minimum wage would still be below the poverty level. But for the rest of the working poor—and there are millions of them—the simple solution for poverty is that employers be required to pay decent wages. For those who cannot obtain private employment, we need a large-scale public service employment program providing well-planned useful jobs paying at least the statutory minimum wage.

The Administration's proposal would require welfare recipients to accept "suitable" work or training as determined by the Labor Department. Only the old, sick, disabled, school children and mothers with children under 6 years of age would be exempt from this requirement. But no criteria are established as to what work or training is "suitable" or what wages must be paid on the jobs to which welfare recipients are referred.

Thus, despite some small improvements, we cannot support the Administration's welfare proposal. It would leave most recipients in poverty and could force many of them into dead-end jobs paying substandard wages.

Instead, the AFL–CIO calls for a bold new approach to public welfare geared to the needs and the potentialities of millions of poor Americans. The main features of such a program should:

1. Provide uniform national standards of eligibility and payment amounts no lower than the poverty level. Payments should at least keep pace with living costs. This will require a federal welfare system.

2. Provide that employable welfare recipients, without children in their care, be able to participate in work or training, with suitability standards set by the existing time-tested criteria in the unemployment-compensation system. There should be no referral to jobs paying substandard wages or in which a labor dispute exists.

3. Provide no hidden subsidies to substandard employers. S. 3433 would maintain full welfare payments for recipients who refuse to take jobs paying less than the minimum wage. But this is not enough to assure that unconscionable employers will not exploit welfare recipients. There should be a flat prohibition of payments supplementing substandard wages so that if employers wish to employ welfare recipients, they will have to pay them at least the minimum wage.

4. Provide adequate day care services for mothers who wish to engage in training or employment. This will require sizeable Federal funds for training of personnel and construction of facilities. Appropriate Federal standards should be established for day care so that it will be an enriching experience for the children involved. In addition, other critical gaps in social services must be closed in foster care, adoptions, protective services for children, counselling and guidance and legal services for the poor.

5. Administer public welfare on a decent, humane basis recognizing that its participants are dependent disadvantaged Americans who deserve not further punishment but ungrudging help. Separation of social services from the payments machinery is one important way of meeting this objective.

In summary, the AFL–CIO calls for a federalized public welfare program with payments at no less than the poverty level. The proposals made in S. 3433 come closest to meeting the requirements for a compassionate and equitable welfare program. For the recipients who can work, there must be available adequate training leading to suitable jobs at decent pay. For all other needy persons, adequate payment levels should be supplemented by a massive expansion of day care, health, counselling, rehabilitative and other supportive services.

In short, we call for a Federal welfare program that brings both security and dignity to its recipients.

STOPPING INFLATION

Mr. BAKER. Mr. President, on February 22, 1970, the New York Times published an article by Edwin L. Dale, Jr., entitled "Inflation Hurts—And Stopping Inflation Hurts." Mr. Dale, as each Member of this body knows, is a member of the Washington bureau of the New York Times and a widely respected writer on economic affairs.

The objectivity of the press has been a matter of fairly widespread discussion lately. There are, of course, many competing pressures that tend to induce reporters and editors to make more of a story than what might really be its intrinsic value. Every Senator has had some personal experience with news inflation.

However, economic writers march to a different kind of drummer. It is virtually impossible to make out of raw economic statistics copy that will compete with the latest lurid bedroom murder or campus demonstration. Spared the need to compete with such fare, writers on economics have the great luxury of working with the facts. Their reputations hang not on whether they get it first or most dramatically but on whether their analysis is borne out.

I know of few men, if any, in this field who have a record as good as Mr. Dale's. I personally find this one of his best pieces of writing, and I will not be surprised to find that the future course of the economy follows pretty much the path he foresees. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION HURTS—AND STOPPING INFLATION HURTS

(By Edwin L. Dale, Jr.)

WASHINGTON.—"Those who place their bets on inflation will lose their bets. Those who place their bets on a cooling of inflation will win their bets."

With those words, spoken in mid-November, Richard Milhous Nixon automatically—if perhaps not consciously—established a major test for himself, one almost as significant as that presented by his Vietnam policy. He spoke to an unconvinced society.

His economic test will measure his determination to stay with a tough fiscal and monetary policy when unemployment begins to rise, as it inevitably will. In a sense, the test will also measure the value judgments of a society. Most Americans probably do not understand very well the mysteries of Federal Reserve monetary policy or deficits and surpluses in the national budget; but there is an instinctive and accurate realization that curbing inflation means producing a much more sluggish economy and a rise in unemployment; it means, in other words, slower economic gains for most of us, at least temporarily.

The President, Congress and the people will face this year what the economists call the "trade-off." Their reaction will, in all probability, have a major effect on the course of the American economy and society as well. In a real way the question is: Can our modern society, with all its troubles, face up to the problem of inflation at all?

It is unfair to attempt the answer without disclosing one's own value judgment. Mine is that it is more important to our future well-being to halt inflation decisively in 1970 and 1971 than it is to retain our present degree of full employment. I believe that, socially as well as economically, we will be better off if we require some additional hundreds of thousands of men and women to suffer some weeks of unemployment. Politicians do not put it in those blunt terms, but they are the only fair terms. I do not like the consequences of the choice, but, in the words of Arthur Okun, President Johnson's chief economic adviser and a man of unquestioned repute: "Yes, Virginia, there is trade-off." One must choose.

The President and, equally important, the seven-man Federal Reserve Board—now with a new chairman, Arthur F. Burns—must choose. Economic policy was easy in the Nixon Administration's first year. There was no reasonable alternative to a program of fiscal restraint (a surplus in the budget accom-

plished by a firm curb on spending and the extension of the income-tax surcharge) and monetary restraint (the Federal Reserve's reduction almost to zero of the growth of money and bank credit in the economy). Except for such people as health researchers, whose budgets have been cut, and home builders, who are starved for credit, there have been few complaints. But that was because the policy took so long to become effective. Now it is doing so. And according to Paul McCracken, the chairman of the President's Council of Economic Advisers, this year is going to be "uncomfortable," even "painful"; it will see rising unemployment and falling profits with, at first, a continuation of rising prices—in short, the worst of all possible worlds.

There is even a distinct possibility of a recession—an actual downturn in our total production and employment—and a worse rise in unemployment than anyone wants to see. This is not part of the Government's aim, but it cannot be ruled out. The *enfant terrible* of the nation's economists, Milton Friedman of the University of Chicago, has, because of the monetary restraint carried out so far, unequivocally predicted a recession, and some experts think that one may have already begun.

Whether Friedman is right in foreseeing a recession or the Administration is correct in hoping for only a prolonged slowdown (which would also increase unemployment), the historical evidence suggests that inflation will be brought under control after a lag. And in either case, there will be some misery this year.

In the face of that misery, can the President and the Federal Reserve stay with their program? Can they restrain themselves from pumping up the economy again when trouble brews? And what of the impact on the individual? Who must suffer if a national purge is necessary to stop inflation? What about the Congressional elections of 1970?

An examination of those questions is dependent upon an understanding of why the trade-off problem exists. Many people—particularly liberals, but some conservatives, too—think that it need not exist. One rather simplistic school just wants to wish it away: "There must be something wrong with the system if stopping inflation means that people must lose their jobs." A theory popular among laymen is that inflation is neither caused nor cured by Government fiscal and monetary policy but is closely tied to union-induced wage increases or the excessive profits of large corporations.

There is no mathematical equation that can demonstrate such views to be wrong; all we can do is examine the conclusions of the experts. By no means do economists have an unblemished record in either forecasting or policy prescription in the postwar era, but neither has their record been dismal. And they are the only experts we have. They differ on some things, but on two crucial things they very largely agree:

By far the most important determinant of inflation or relative price stability, of boom or slump, is demand, and demand is powerfully influenced by Government fiscal and monetary policy.

The importance of demand was examined in November in a brilliant paper by G. L. Bach of Stanford University. "Nearly all economists," Bach said, "recognize today that monopolistic business or labor groups can exert only limited inflationary pressure on the economy unless aggregate demand is growing to validate the higher wages and prices these monopolists set."

It is worth recalling in this connection the years 1958 to 1965. We had unions then, too. We had "big business." We had Congressional inquiries into the power of the steel industry, for example, to push up its prices even when demand was falling. But the American price level, for all intents and purposes, was stable. The consumer price index rose by about 1.5 per cent a year (compared to about 6 per cent now), and industrial wholesale prices, balancing the increases with the decreases, were absolutely flat. If steel went up, something else, like chemicals, went down. There was, in other words, no inflation, which suggests that union wage demands and corporate profit-seeking do not make it inevitable (after all, while all of our corporations supposedly seek profits, most are subject to pretty effective price competition, and only a quarter of our labor force is unionized).

It is true, of course, that the wage costs already built into the economy will continue to exert upward pressure on prices and that bargained wage settlements will be large again this year. This is one of the chief reasons why all sides agree that inflation cannot be stopped quickly. Even the high interest rates that have accompanied inflation and the effort to slow it are a cost element for some industries, notably public utilities, whose capital investment requirements, and hence borrowing requirements, are high relative to labor and materials costs. The huge increase in the prices of most metals in 1969 is another built-in element that will tend to work its way through to prices.

Still, the historical record is clear: If demand is reduced and the Government follows a policy of restraint for a reasonable length of time, prices will eventually stabilize. We have not had perpetual inflation in the United States in the postwar period, contrary to popular belief, and there is no reason why the present dangerous inflation should prove permanent, despite the forces working to keep rising prices."

If excess demand causes—or, more precisely, starts—inflation, as it has done in the Vietnam period since 1965, the only way to stop it is to reduce demand, probably for a long time. But less demand obviously means less production, and less production means less employment. In other words, there is a trade-off. Okun, a liberal, has come under fire from fellow liberals for his statement of the truth:

"When markets are exceedingly weak no businessman will dare raise his prices for fear of losing his markets, and no workers—organized or unorganized—will demand significant wage increases for fear of losing their jobs. The problem of curing inflation is difficult and demanding only because we will not take this decapitation cure for the headache of rising prices."

This situation, Okun continued, "gives the economist the obligation of telling the nation a most unhappy fact of life: if the American public insists on a better price performance than it is getting, it must accept some extra unemployment and some sacrifice of output and real incomes."

McCracken, who is widely respected by his Democratic counterparts, summed up recently in an off-the-cuff remark in a group of businessmen his feelings on the problem of checking inflation:

"I don't know of any evidence or any experience which suggests that this kind of thing can be done without the necessary fiscal and monetary measures. I don't know of anything in our own experience or anything in international experience which would suggest that this could be done unless you put fiscal and monetary restraints into place and, moreover, unless these policies are sufficiently restrictive so that they cause a certain amount of pinching and binding and a certain amount of pain."

There is no point in going further. If these are not truths, all the textbooks will have to be rewritten. William McChesney Martin Jr., who has just retired as chairman of the Federal Reserve Board, says simply: "You can change the nature of demand and alter the composition of supply, but you can't abolish the law of supply and demand. This is a law we must reckon with always."

Though the Government has been working for almost a year through its fiscal and monetary policy to slow the growth of demand, it took a long time for the economy to show any results. But by the end of the year there was not much room for doubt; all the indicators were showing the same thing, slowdown. The effects on the price level were still almost invisible, but that was always true this early in the game. There remained, however, a legitimate question of whether the slowdown in demand and output would last long enough to do any good.

There are those who think that it will not. Such men as Pierre Rinfret, the flamboyant business consultant, believe that the economy—and, with it, prices and wages—will go right on booming this year. There is some ground for this skepticism.

It has to do primarily with the American political process and the way Government expenditures and revenues are determined. Even before Mr. Nixon started the final stages of his budget-making process these things had happened:

Social Security benefits had been increased by 15 percent.

The income-tax surcharge was due to expire—partly a decision by the President, but a decision made in the weary assurance that Congress would never again extend it, as all the Congressional leaders said.

The tax reform and reduction bill, while putting off most revenue loss until later years, was due to reduce collections somewhat (beyond the expiration of the surcharge) in calendar 1970 and fiscal 1971.

The uncontrollable items in the budget—such things as interest on the debt, Medicare and veterans' benefits—and probably the pay of Government workers as well, were heading up by $7-billion or so.

Despite these problems, the President has managed to come up with a fairly credible budget of $200.8-billion showing a modest surplus of $1.3-billion. Fiscal policy is hardly massively restrictive—and probably not as restrictive as it ought to be. But the budget is consistent with the basic strategy of continued restraint on the economy.

Unfortunately, there is no assurance that by the time Congress gets through the budget will still be showing a surplus. There is a growing feeling in Washington that a rational fiscal policy verges on the impossible in the United States, given the diffused state of power and responsibility in Congress. The awareness that Congress in 1969 was acting in a fairly inflationary fashion on both expenditures and revenues—and the resulting belief that fiscal policy was beginning to soften—probably contributed to the business community's decision to increase again this year its investment in plant and equipment. This would not happen if business were convinced that markets were going to be weaker and stay weaker for some time to come.

But despite concern about Congress, the Administration's economic team is reasonably confident that fiscal policy will be firm enough this year to keep the policy of overall restraint on track. A major reason for the confidence is a conviction that monetary policy is, if anything, more powerful than fiscal policy. Mr. Burns and his men can keep monetary policy as tough as they want as long as they want, though this year will probably see some relaxation of the severe restraint that characterized most of 1969.

Herbert Stein, an owlish-looking, quietly humorous man who is probably the leading economic intellectual in the Nixon Administration, has begun to wonder aloud whether fiscal policy matters much at all. Stein, a member of the Council of Economic Advisers, keeps pointing out that the budget swung from a deficit of $25-billion in fiscal 1968 to a surplus of $3-billion in fiscal 1969, by far the biggest swing in modern history.

and nothing much seemed to happen in the way of sharply checking the economy or its inflation. Noting that there will be a far smaller shift in the budget the other way this year, but also noting that monetary restraint continues, he remarks:

"What is astonishing is that after the experience of the last year, this prospective shift in the budget position should be assigned as much weight as it commonly is in appraising the outlook for inflation. . . . The expiration of the surcharge strengthens the case for expenditure restraint and for caution in other policy, but it does not mean that the anti-inflation game is lost."

At another point, Stein said: "Continuation of these policies will reduce the rate of inflation . . . There is no record of long continuation of the present rate of inflation with anything like the present degree of restraint. Uncertainty among economists about the size and timing of the effects of restrictive financial policy does not extend to the point of asserting that the effects are zero."

It is well at this point simply to accept the evidence of history. Mr. Stein is right. Even with a mild swing away from restraint in the budget, the policy, over-all, is still very restrictive. If it does not work, we shall be faced with a situation equivalent to that facing the doctors who discovered that bleeding was not, after all, the best cure for disease. There is no evidence yet that we need be concerned on this score; the history of the postwar period shows that restraint works.

Who gets hurt when restraint does work? Here some figures are necessary. John F. Kennedy took office as President in January, 1961, at the bottom of the fourth postwar recession (albeit a mild one) and at the end of four years of sluggish economic growth (meaning, of course, sluggish demand and little inflation). In that month, there were 1.6 *million* Americans who had been out of work for 15 weeks or longer.

Subsequently, as we all know, the Government gradually adopted a policy of stimulating the economy, notably through the tax cut of 1964. The stimulation was overdone, as we also all know, following the intervention in Vietnam. And that is why we have inflation. But in late 1969 the number of unemployed who had been out of work for 15 weeks or longer was down to a rockbottom figure of a little more than 300,000 in a total labor force of more than 82 million. What is more, the modest rise in unemployment that occurred in 1969 as the policy of restraint began to have an effect has not changed the figure for the long-term unemployed—the hardship unemployed—so far.

In a typical recent month, a total of 3 million people were unemployed. Who were they?

Teen-agers seeking their first jobs.

Housewives looking for "second incomes" who have not yet found their first jobs since re-entering the labor force.

Machinery, auto or cannery workers who have been laid off temporarily, most of whom are receiving unemployment compensation.

People who have moved and are seeking employment in their new locations.

Finally, a relatively small minority who qualify as hardship cases because of the duration of their unemployment.

There are some interesting aspects to the figures. The 200.000 increase in the number of unemployed from December, 1968, to December, 1969, can be accounted for entirely by white workers. Though the figures for one or two months are not conclusive, Negro unemployment at the end of 1969 was at its lowest point in 17 years. Only 40 per cent of the 2.6 million people who were unemployed in December, 1969, had lost their jobs; the rest were new entrants or re-entrants into the labor force. Contrary to conventional beliefs, widespread layoffs are not the common experience in modern America, nor are they likely to be the common experience in a slowdown. It would be harder to *get* a job, but job losers would not necessarily increase much.

It is true that there have been some layoffs in the automobile industry, and there will be others in the more cyclical manufacturing industries. But less than 30 per cent of our nonfarm payroll employment is in manufacturing. The bulk of our labor force is now employed not in direct production but in transport, distribution, government and services, where jobs are much steadier. Chrysler lays off people when demand falls, but this is not true of the supermarket or the telephone company or the bank, not to mention the public school system or the police department.

What all of this says is that there is no direct connection between a rise in the national unemployment percentage and a rise in serious hardship. Still less necessarily is there a connection between a rise in the national unemployment percentage and "social unrest." Ghetto unemployment, particularly among teenagers, has been relatively high all along. The riots occurred when unemployment was about as low as it could get nationwide, and there is little evidence that a rise in the national unemployment rate toward 5 per cent from 4 per cent is, by itself, likely to increase social unrest—or indeed the basic social-racial problem. It may, but it may not. We have no reason for assuming, *a priori*, that it will. To make that assumption is the equivalent of assuming that fat corporation profits or union-induced wage increases are the cause of inflation.

Mr. Okun and others are quite right in pointing out that a rise in the unemployment rate creates real losses, even if it does not add much to genuine "hardship" unemployment. In the kind of slowdown we are talking about, more than half a million people who had held steady jobs may suffer five weeks of unemployment during the year. This will cut their income (and their spending—and, of course, inflation); it is no fun. But one must choose. This is the only way to check inflation—to get the rate of price increase down from its present 6 per cent, as measured by the consumer price index, to as little as 2 per cent.

A final thought on this point is relevant. Britain's unemployment rate, as a result of "austerity," has moved up from a fairly stable 1.5 per cent of the labor force to a fairly stable 2.5 per cent. Ten, or even five, years ago this would have been regarded as a prescription for social, and certainly political, disaster. In fact, there has been almost no outcry and the British economy is at last doing better.

Why is the price of added unemployment—even if it does not imply massive hardship—worth paying? Why not just take the inflation?

This is the hardest question of all for a democracy to answer. What is more, it is hard for the experts to answer. No man can say with total assurance that X will lead to Y—that the continuation of inflation will lead to some kind of truly massive hardship or permanently reduced well-being.

We are well aware that inflation hurts the aged and others living on fixed incomes. We all know that it hurts some of the poor (though some others, who get jobs or higher pay as a result of a tight labor market, benefit). We all know that inflation hurts savers and buyers of insurance policies—which means most of us. But it is not enough to say all this. All of us would prefer a relatively stable price level just because we would prefer it; but would we inflict some extra weeks of unemployment on hundreds of thousands of our fellow citizens in order to get it?

There are considerations that go beyond the immediate problems of the aged, the poor and buyers of insurance. In one recent month, for instance, more than 20 state and local governments were unable to sell bonds to finance desirable improvements because the interest rate was too high for them. And the interest rate was high because of inflation.

In the last year, the annual rate of housing starts in a nation rapidly approaching the point of housing shortage has fallen from 2 million to 1.3 million. Why? Because of inflation's impact on interest rates as well as on other elements of construction.

In the autumn of 1969, absolutely sound public utilities and telephone companies were paying close to 9 per cent interest to sell bonds that were needed to keep our country going, and some of the bonds did not sell. There has been no collapse yet, but if inflation continues—and such lenders as insurance companies and pension funds continue to insist (legitimately) on higher and higher interest rates—one day the utilities and many others may not be able to raise capital at all. And 90 per cent of the long-term capital in this country is raised through bonds, not through the stock market, despite its charisma and public attention.

Troubled men are worried about such things. The financial markets have been swept by a dangerous disease called "inflationary expectations." The result is higher interest rates for the home buyer (who must pay 8 per cent or more for a mortgage) as well as the electric company. The financial actions and inter-actions involved in this are complex, and even economists and bankers do not pretend to understand all of them. There is little doubt, however, that inflation is at the root of what is happening to interest rates and to the bond market; and there is little doubt that developments in both areas imply real danger.

Sidney Homer of the Wall Street firm of Salomon Bros. & Hutzler, a historian of American finance, points out the problem:

"Under Johnson, the policy of 'no recession ever' became explicit and was widely accepted by economists, both of the left and of the right, and by a large preponderance of businessmen. This naturally touched off a capital-goods boom. Prices and costs started to rise after years of stability. . . . Finally, in recent years, civil disorders and social-reform proposals have seemed to provide an even more positive assurance that recessions will be politically unacceptable at any time ever and at any cost. . . . Such an assured point of view is entirely novel, and I believe it is the basis for the expectations of unending inflationary prosperity which have developed over the last three years. These expectations are basically responsible for our high rate of inflation and our capital market distortions."

Why lend your money—which is what buying a bond is—if inflation is going to erode the interest return? No one can be sure that capital will dry up in this country. But in a real sense it has dried up elsewhere—in Brazil, for example, a country that is as old as we are, that has perpetual inflation and that is very poor. If investment patterns in the United States change markedly because of inflation, it is likely that we shall all be poorer.

Another reason to feel a little frightened about continued inflation is, in a sense, as intangible as bonds and interest rates; it is the international monetary system. Douglas Dillon, the former Democratic Secretary of the Treasury, had some words in early December that are at least worth noting:

"The proper functioning of the international monetary system is wholly dependent upon a sound and relatively stable dollar. Our continued inflation at home threatens that stability. Without a stable dollar, world trade as we know it today would not be possible. . . . This is the one circumstance I can foresee that could cause a worldwide recession or even a depression. We ourselves could

not escape such a phenomenon. Therefore, it is urgently in our own interest to so conduct our monetary and fiscal affairs that we put an end to the current inflation as rapidly as possible."

Mr. Dillon, incidentally, also said that we would "have to pay a noticeable penalty" to stop inflation, including "more unemployment than we would like and smaller profits for business than is pleasant."

And there is one more reason to feel a sense of urgency about ending inflation: It has been a primary cause of the financial crisis of the cities. An enormous portion of local governments' expenditures go to wages and salaries; in an inflationary economy, the cities have had no choice but to give large pay increases to teachers, policemen and subway motormen; and revenues, based in good part on local property taxes, have not risen proportionately. This financial crisis is a much bigger obstacle to social progress than a small rise in unemployment.

Back to the President. No man can say for certain how he—or the Federal Reserve, which is largely independent—will face up to the agony of 1970. The guess here is that he means what he says, which signifies that when things slow down the Government will be very cautious about letting demand expand rapidly again. It signifies that a fairly prolonged slowdown will be accepted as the only way to kill the inflation and, even more, inflationary expectations.

McCracken, the chairman of the Council of Economic Advisers, has told businessmen that after the "valley" of a severe slowdown this year, demand will not again be permitted to rise as rapidly as in the last four inflationary years. This means that when policy, particularly monetary policy, is at last eased, it will not switch as in the past to one of pumping up the economy at a rapid rate. If the Government means what it says, we may be in for a sluggish economy well into 1971.

The President's economic report to Congress predicts a flat economy for the first half of this year, making three quarters of no growth, with some rise in unemployment. Though the strategy calls for a resumption of the rise in demand, and hence growth, in the second half, the rise is to "moderate" so as to be "consistent with continued progress in reducing the rate of inflation." And even this expansion is not guaranteed; unemployment could easily be a persistent problem all through 1970.

If one agrees that there is no doubt about Mr. Nixon's present intentions, what about the 1970 elections? What about "political pressure" as unemployment creeps up?

Here again, there are some widespread assumptions that may be wrong. Economic issues, including unemployment, can be important, but they invariably make up only part of a cluster of issues. If the President is making progress in extricating the country from Vietnam, that could easily swamp almost anything that is happening in the economy. For at worst 94 or 95 out of every 100 of us in the labor force will still be working. There might even be some progress on the inflation front by late 1970, which would make the Administration case a good deal more attractive.

In any event, there will be pressure, in part political. The President says, at least, that he has made his choice: that the policy of stopping inflation must go on, even though it causes pain. If he means it, he can, with the help of the Federal Reserve, stop inflation, though not completely in 1970. Inflation is no more inevitable than Vietnam, and it is much easier to see the solution: as tough a budget as Congress will permit and a sharp limitation on the growth of money and credit. But each man—and especially the President—must decide for himself whether the price (unemployment and some severe business losses) is worth paying. If we are to stop inflation, it will have to be paid.

CHARGES AGAINST TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, yesterday we learned of the latest chapter in the case of the Vietnamese legislator, Tran Ngoc Chau. On Monday Chau was sentenced by a military tribunal to 20 years at hard labor, ostensibly because of contacts with his brother, a North Vietnamese intelligence agent, which he did not report to the South Vietnamese authorities. On Thursday Chau was taken by the police from the National Assembly Building in Saigon to jail.

The charges against Chau are regarded by many as a transparent pretext for silencing one of the most outspoken critics of the Thieu regime. The manner in which Chau's immunity was lifted and his trial conducted raises serious questions regarding President Thieu's attitude toward the Vietnamese Constitution and the justification for continued American respect or support for the Thieu government.

For the benefit of those who may not have followed the most recent developments in the Chau case may I point out that the petition used to justify the lifting of Chau's parliamentary immunity is apparently of dubious constitutionality. Two appeals on this point are pending before the Vietnamese supreme court. These appeals apparently should have entitled Chau to freedom pending decision. Furthermore, the authenticity of some signatures on the petition has been challenged. At least one Vietnamese deputy is reported to have declared before the trial that his signature had been forged and another has apparently asked that his name be withdrawn from the petition. Even if the constitutionality of the petition procedure is upheld, since the petition requires the signatures of a majority of the members of the assembly to be effective, the elimination of these two names would mean that the petition would not suffice to lift Chau's immunity. I should add that it has been widely reported that several of the other signatures on the petition were obtained by threats and bribery.

Mr. Chau was apparently tried and sentenced without benefit of counsel. According to a story by Mr. Robert G. Kaiser in Wednesday's Washington Post, the tribunal was unexpectedly convened an hour earlier than its normal starting time with the result that Mr. Chau's attorney had no opportunity to present his case. Mr. Kaiser reported that the court accepted, without question, the prosecution's suggestions for punishment.

As I explained on an earlier occasion, the circumstances of the Chau case seem to show that President Thieu's charges against Chau are politically motivated. Furthermore, it appears that the American Embassy bears a measure of responsibility in this matter. Despite warnings of Chau's intention to disclose his past relationships with Americans, and I know that there have been such relationships, and despite recommendations from some American officials that the Embassy assist Mr. Chau, mission officers have been ordered to keep hands-off the Chau case. The apparent reason for this decision is our unwillingness to do anything which might displease President Thieu.

The real reasons for President Thieu's campaign against Chau and our hands-off policy seem to have little to do with Chau's contacts with his brother. Such contacts among members of Vietnamese families, divided by the war, are not at all unusual. Furthermore, Chau's contacts were known to high American authorities in Vietnam at the time they occurred. More recently, some of the best informed and most experienced American officials in Vietnam have said that they know of no grounds for believing that Chau is a Communist. It is interesting to note that although Chau's contacts with his brother had been known to the Thieu government at least since April 1969, and that Chau had openly acknowledged them in July, Thieu did not begin to press his charges against Chau until November 1969.

President Thieu's campaign against Chau must be considered against the background of Chau's open advocacy of a negotiated political settlement to the war. Because of the strength of Vietnamese sentiment for an end to the war, Chau's espousal of talks with the NLF apparently made him a potentially dangerous political rival and threatened to undermine Vietnamese support for continuing the war.

As I have stated before, Chau's credentials as a Vietnamese nationalist and opponent of communism are not questioned by those who are familiar with his record and his views. Given that fact, Chau's belief that peace can come only as the result of direct talks between Saigon, North Vietnam and the NLF takes on added significance. Chau wrote on this point in January 1969:

> We have the right to call the National Liberation Front by a hundred terms which are bad, vile and most servile, but we must admit that this organization exists in reality, and that there could never be any peace talks which could bring an end to the war if we did not agree to make some concessions to this organization and thus to satisfy some of its minimum demands.
>
> We have done this before with regard to some armed opposition groups. Why can't we do it again with regard to the National Liberation Front? Is it because this Front is Communist or dependent on the Communists?
>
> That is the truth.
>
> But at present, both we and the U.S. have realized that our army and the army, technical ability and resources of the most advanced modern power in the world can't exterminate them and because of that, we are forced to talk with them at the conference table.
>
> Whether we like it or not, we are compelled to discuss the methods of ending the war in order to restore peace.

The unwillingness of the United States to intercede on Chau's behalf is perhaps all the more understandable when one notes that Chau blames the United States for the failure of the Paris negotiations. In the same interview quoted above, Chau said:

> In the past the U.S. has proven its power through the evolution and shifts of power among the patriots and scoundrels among the leadership of the Vietnamese nation, and at present the U.S. is still the most influential power from our local level to the central government and from the companies and battalions to higher echelons.

If the U.S. had withdrawn some assistance items or some supply items, certainly what happened to President Diem, to the regime prior to 1963, would have happened to President Thieu, to the present regime.

With its available open and secret power, the U.S. is the main obstacle which blocks Viet Nam on the road to war or peace. If the U.S. does not agree with the RVN.

Therefore, let us demand that the U.S. reconsider its attitude at the Paris peace negotiation and at other peace talks to come.

It strikes me as unfortunate that the Embassy and the State Department are unable to maintain an attitude toward Vietnamese internal affairs which will permit such nationalists as Tran Ngoc Chau to play an active and constructive role in the pursuit of peace and the building of a truly democratic society in Vietnam. Instead, we find ourselves, once again, the willing servitor and apologist of a regime which seems to exploit the American presence, in the cause of self-perpetuation and not, as our rhetoric would have us believe, for the sake of self-determination.

STATEMENT OF SENATOR HRUSKA AT HEARINGS ON VOTING RIGHTS ACT

Mr. DOMINICK. Mr. President, the Senate will begin consideration of the Voting Rights Act next Monday. We will be discussing the administration proposal and a simple extension of the 1965 act.

The Senator from Nebraska (Mr. HRUSKA) is ranking Republican on the Constitutional Rights Subcommittee which has been holding hearings on these proposals. On February 18, he presented a statement to the subcommittee in support of the administration proposal. Many of us have not yet taken a position on this legislation. I found Senator HRUSKA's statement most informative and think it should be placed in the CONGRESSIONAL RECORD for our review and consideration over the weekend.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA

Mr. Chairman, last July this Subcommittee had hearings on a number of Senate proposals to amend and to extend the Voting Rights Act of 1965. Our hearings on those Senate bills were extensive and balanced. We heard from many witnesses, including Attorney General John Mitchell. Since our hearings a House bill has been considered and enacted by the House to accomplish this purpose. That bill is H.R. 4249, which, together with the Senate bills on which testimony was received in our hearings, is now pending before this Subcommittee.

H.R. 4249 was introduced in the House at the same time that S. 2507 was introduced in the Senate. They were identical bills, and were introduced on behalf of the Nixon Administration. Since the 1965 Act expires this August, the Administration sought to introduce appropriate legislation early in the 91st Congress to permit enactment before the existing law expired. This was a laudatory goal, and the Department's prompt sponsorship has permitted the Congress to move forward. Only Senate action is now required.

The bills before this Subcommittee, and those considered by the House, fall into two basic categories: those that seek merely to extend the 1965 Act, and those that seek to amend as well as extend the 1965 Act. H.R. 4249 seeks to amend as well as to extend. The difference, in my opinion, is primarily that of approach rather than of objective. They share the same fundamental purpose, that is, to enforce the guarantee of the 15th Amendment of the U.S. Constitution that the right to vote shall not be denied on account of race or color.

Both approaches are committed to the need to make more effective the voting rights of our citizens who are being denied the vote due to racial discrimination. However, H.R. 4249 goes further. It seeks, in addition, to make more effective both the rights of persons nation-wide who are denied the opportunity to vote because they are undereducated and the rights of those who are denied the opportunity to vote in presidential elections because they cannot meet local residency requirements.

Both approaches provide procedures for the appointment of federal voting observers and examiners. The 1965 Act, however, applies this procedure only to six states and parts of three others. H.R. 4249 would, on the other hand, extend this procedure to every state of the nation.

Both approaches provide procedures for challenging the laws of states or political subdivisions which are allegedly discriminating against the right of citizens to vote due to race or color. Again, basic remedies of the 1965 Act apply only to six states and parts of three others. H.R. 4249 would apply to all states equally.

I think these differences are strong arguments for H.R. 4249. The Nixon Administration unqualifiedly supports this proposal, and the House, by a majority vote, adopted this proposal. Let us consider its broad merits.

First, it abandons the onus of regional legislation that exists with the 1965 Act. The Act was passed, as I recall, for the purpose of bringing extraordinary remedies to bear on a few states of the union where voting discrimination seemed most prevalent. This judgment was based on the registration and voting records of these states in the 1964 presidential election. The Act's formula was a departure from the general rules of good legislation, and I feel, was a troublesome precedent for the future of our federal-state relations. The Congress, however, considered the problem to be critical and the formula contained in the 1965 Act to be the only solution. I want the record clear at this point that I voted for that Act, and am satisfied that the remedies applied had salutary results. We were told at our hearings last year that over 800,000 Negroes have been registered in the covered states since passage of the Act.

Mr. Chairman, times and circumstances change. Problems, while once critical and demanding of extraordinary remedies, over time evolve toward solutions. Registration in these affected states is now as good or better than in many other states in the union. Extraordinary remedies, in my opinion, should be necessary only to restore a situation to circumstances that can be dealt with by traditional and proven procedures. In my opinion, that time has come.

Next, H.R. 4249 extends the scope of the Attorney General's power to correct abuses of the 15th Amendment rights anywhere in the country. This bill grants him direct authority to send federal voting observers and examiners to any of our fifty states. It clarifies his power to bring lawsuits and obtain injunctions against discriminatory laws in any state or political subdivision in the nation. It extends his power, once a particular case of discrimination has been proven in a court of law, to suspend future laws or practices in the appropriate states or subdivisions as long as the federal court having jurisdiction considers it necessary. Thus, while H.R. 4249 would relieve the six presently covered states from the burden of regional legislation, it would not weaken the Attorney General's ability promptly to correct voting abuses anywhere in the nation, including those states.

I think that it is obvious that discrimination does not exist in just one part of the country. Unfortunately, discrimination occurs in different places, in differing degrees, all over the country. The Administration's recommended bill would extend coverage of the Voting Rights Act to all of those instances of discrimination.

A third change from the present Act is that the Administration's bill will return the thrust of enforcement back to the judicial processes and away from the administrative procedures which now exist. This is important. Our system of government is based on checks and balances, and the judiciary has been the most consistently reasonable and fair arbiter in this system. Administrative procedures, in place of judicial remedies, might be necessary under extraordinary conditions, but should not be extended once the basic conditions improve. The unreviewable suspension power of the Attorney General over state and local laws contained in the 1965 Act is such an administrative power; it has served its function. Registration and turnout of voters in the covered states has greatly increased. Let us now return to our courts of law.

Furthermore, H.R. 4249 prohibits the use of literacy tests in any state in the nation. The 1965 Act was directed at the discrimination against Negroes in southern states resulting from use of literacy tests. However, it is becoming a well-known fact that literacy tests have the effect of discriminating against all educationally-disadvantaged citizens, of all races and colors. As Attorney General John Mitchell stated during the Subcommittee hearings last July:

"The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.

"Perhaps, more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are under-educated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote."

A recent study shows that, in general, states of the North and West which have literacy tests have lower registration and turnout rates than those without literacy tests. It can be little doubted that literacy tests in all states that have them inhibit voting by minority group persons. A nationwide ban on literacy tests, as proposed in H.R. 4249, would add numbers of educationally-disadvantaged black and whites, Mexican-Americans, Puerto Ricans, and American Indians to the voting rolls.

Finally, Mr. Chairman, the Administration bill will limit the application of state residency requirements in presidential elections. It may be reasonable to require a period of residency for local elections, but such a requirement has no relevance to presidential elections. Presidential elections receive nation-wide coverage, and the issues are nationwide in scope. The Bureau of the Census indicates that 5.5 million persons were unable to vote in the 1968 presidential election due to local residency requirements. In an increasingly mobile society, this problem must be resolved.

Mr. Chairman, I urge the members of this Subcommittee, and the witnesses who appear before us, to retain sight of the goal which we all share. That goal is to guarantee the

right of each citizen to vote, recognizing in this guarantee that voting is the most fundamental right in a democratic society. The prominence of this right to the durability of our system, and the dedication we all share to enforcing that right, should lend dignity and calm reason to our inquiry.

The results under the 1965 Act are impressive, and all thoughtful men recognize that the Act has served the extraordinary purposes for which it was enacted. On the other hand, the facts and circumstances on which its regional remedies were based have changed. We should not assume that it is necessary to preserve the Act without change in order to continue the most active nationwide enforcement of the right to vote for all of our citizens.

LESTER MADDOX

Mr. HARRIS. Mr. President, the recent action of the Governor of Georgia, Lester Maddox, in handing out ax handles in the restaurant of the U.S. House of Representatives was an outrage and a disgrace. What a sickening thing to have happen, and Representative CHARLES DIGGS was quite right in trying to get Governor Maddox to come to his senses and correct his boorish behavior.

An editorial in today's Washington Star expresses my sentiments, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GIVE HIM THE AX

The people of the sovereign state of Georgia, of course, like those of the other states, are entirely within their rights to elect anyone they wish as governor. They have exercised that right by electing Lester Maddox, who sprang to fame as a fried chicken king passing out ax-handles to customers so they could beat off any Negroes attempting to enter his emporium.

Also, it may be recalled that Calvin Coolidge, in another connection, noted that the fools of the nation are entitled to some representation in the government and they usually get it.

That said, there remains little excuse one can think of for the Georgians allowing their interesting specimen to come to Washington and pass out his weapons in the restaurant of the House of Representatives.

Coming as it did, just as the Stennis amendment has obscured, to say the least, the congressional intent to desegregate schools, Mr. Maddox's performance was a sickening reminder of some of the frightening realities behind the appeal to reason so loftily asserted by Senators Stennis and Ribicoff.

Mr. Maddox, it is said, is an amusing adjunct of his state house, receiving daily long lines of the people in somewhat the manner of a feudal lord and even going out to the byways if the people fail to show up in quantities sufficient to suit him.

Surely some simple method can be devised to keep him there. He represents a problem that should be solved by, not flaunted in, the nation's Capitol.

IMPENDING GAS SHORTAGE

Mr. HANSEN. Mr. President, during the controversy over oil import controls, I and others have warned that any decline in exploration and development of domestic oil reserves would also affect natural gas supplies.

There is a definite interrelationship between gas and oil which affects not only discoveries but, basically, the type of capital commitment, total capital commitment, and incentive for an industry.

During hearings before the Senate Interior Subcommittee on Minerals, Materials, and Fuels last November, the chairman and members of the Federal Power Commission testified that the wellhead price of natural gas was the most fundamental and controlling aspect of supply and that the exploratory effort of the industry is related entirely to gross revenues. When revenues have gone up, there has been a greater exploratory effort.

One of the commissioners who testified during these hearings, Carl E. Bagge, recently came out in favor of deregulation by the Federal Government of natural gas prices at the wellhead and called the cost-base area-rate approach a failure.

In commenting on a deepening supply crisis on natural gas, Commissioner Bagge said that after a decade of industrywide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960.

I certainly agree with Commissioner Bagge's hypothesis that market forces rather than Federal control must prevail in pricing gas at the wellhead and I ask unanimous consent that an article from the Oil Daily, which reported a speech in which he expressed his views and recommendations on producer gas rate regulation, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Feb. 25, 1970]

AREA-RATE APPROACH "A FAILURE": BAGGE CALLS FOR DEREGULATION OF NATURAL GAS PRICES AT WELL

COLORADO SPRINGS.—A top federal natural gas regulator came out here Tuesday in favor of de-regulation by the federal government of natural gas prices at the wellhead—calling the cost-based area-rate approach a failure.

Commissioner Carl E. Bagge of the Federal Power Commission unleashed his bombshell recommendation at the 65th annual meeting of the Midwest Gas Association at the Broadmoor here.

Bagge, who has shown increasing irritation with the inability of the FPC to come to grips with the deepening supply crisis on natural gas, pointed out that a decade ago the FPC had jettisoned-utility approach to producer gas rate regulation because it was unworkable.

Then it opted for the area-rate style of regulation, proposing that prices be set on the over-all financial requirements of the producing industry as a whole.

"Today," Bagge declared, "after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960.

"If we are candid, it must be acknowledged that we have failed the 'practical test' which we established for ourselves in Permain (the Permain Basin precedent-setting area-rate decision of FPC, upheld in every particular by the Supreme Court).

"Individual company rate-making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear.

"In the short term this overriding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

"We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life.

"This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources.

"This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offered to the quality of life will be fully realized in this decade and in the decades to come."

Bagge said the opening of the decade of the 70s is the time to reappraise goals and determine whether they are relevant.

This goes double for government regulators, he asserted.

Just as the nation's transportation policies must be coordinated, Bagge said, so must those in e very other area of government business regulation.

He said the adversary hearing process, based on combative economic interests that has characterized the regulatory process up to now, will become "increasingly anachronistic in the decade of the seventies."

Even now, Bagge said, this process can no longer cope with many of the vast policy issues confronting regulation today.

To back up his hypothesis that market forces, rather than federal control, must prevail in pricing gas at the wellhead, Bagge made these points:

(1) To meet rising and new demands, the gas industry must, as a matter of national policy, "be stimulated" as an aggressive force in the energy economy.

(2) Government responses must "be made relevant" to that goal.

(3) Domestic gas supplies are growing short and the nation is looking to high-cost gas supplies from foreign sources.

(4) A new "LNG technology" is being shackled into the "conventional utility mold by the extension of the Natural Gas Act."

(5) "Discernible cracks" are already evident in the "regulatory dike" on gas prices, in view of continuing inflationary forces and the inability of the industry to meet big, new demands for gas.

(6) There is an "immediate need" based on existing circumstances, to establish indices that will give weight to "market forces" in pricing gas at the FPC.

(7) The FPC can't continue gathering vast volumes of cost data during time-consuming rate proceedings, so alternatives "must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly."

(8) But, even adoption of alternatives now would merely provide a short-range solution to the problem.

(9) The most immediate threat of a breach in the present regulatory dike lies in proposals for large imports of gas from Canada to Midwestern markets at higher prices.

(10) Farther west, another break may be caused by long-range proposals for Canadian imports at still higher prices.

(11) In less than three years, further "breaches" in federal control are threatened by proposed imports of base-load LNG from Algeria "at substantially higher prices."

(12) If imports are needed in large quantities, both in liquid and gaseous form, at much higher prices than those now prevailing, "we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation."

He said that regulation, under such circumstances, "cannot then escape the unpleasant fact that it will have been deluged

by the very market forces for which it was intended to substitute."

Any response by the FPC could no longer be "honestly regarded as 'price' regulation," Bagge said.

He said that "we delude ourselves" if the ritual of regulation is seen as the real solution to the problem.

THE BALTIMORE CITY COUNCIL SPEAKS OUT ON VIETNAM

Mr. TYDINGS. Mr. President, the connection between the financial costs of the war in Vietnam and the shortage of funds for our cities is becoming increasingly clear. The resources of the United States, like those of the individual taxpayer, are not infinite; consequently we must critically question how we use our resources. The Baltimore City Council has unanimously passed a resolution calling for an end to the war in Vietnam and a redistribution of funds to Baltimore and other large cities to meet its ills. I ask unanimous consent that city council resolution 1075, expressing concern that the needs of the cities are going unmet while the war in Vietnam continues, be printed in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

City Council Resolution expressing concern that the needs of the cities are going unmet while the war in Vietnam continues.

The City Council is deeply concerned about the urgent problems that face Baltimore and other large cities in this country. Baltimore is taxing its own resources almost to the limit and in so doing places a particularly heavy burden on its citizens. While the United States is rich in natural and human resources, our riches are not endless. The war in Vietnam has taken its toll in human resources and in the expenditure of monies. All citizens want to see an end to this conflict as soon as possible coupled with a subsequent redistribution of Federal funds which may help the economy of our local subdivision; now therefore, be it

Resolved by the City Council of Baltimore:

1. That this Resolution be an expression of support for the stated determination of the President of the United States to extricate the United States from this war as rapidly as possible and in keeping with our own nation's security, honor, and best interest.

2. That the Federal Government make available to Baltimore and to other large cities of this country, sums of money sufficient to permit the elimination of the critical conditions now existing in Baltimore and other large cities of the nation.

3. That a copy of this Resolution be sent to the President of the United States, and to the United States Senators and Congressmen from Maryland.

ENVIRONMENTAL RESEARCH AND FORT DETRICK

Mr. MATHIAS. Mr. President, with his renunciation of lethal biological and chemical warfare and his concern for environmental quality, President Nixon has taken positions deserving universal acclaim. At this moment, the President has a unique opportunity to concretely demonstrate his resolve in both areas by converting facilities at Fort Detrick, Frederick, Md., into an environmental research center.

Fort Detrick has a plant and personnel with potential which should not be rendered useless by the dispersal of its present teams of scientists and technicians.

Moreover, the dismantling of Fort Detrick would have a severe effect on the town of Frederick which has close economic and cultural ties with the center.

Mr. President, I ask unanimous consent that an editorial from the Frederick Post, calling attention to this problem, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DETRICK CAN IMPROVE LIFE

As the Nixon administration ponders the future of its multi-million dollar military installation at Fort Detrick now that the nation has renounced all bacteriological warfare except for defense, we trust that it will give due weight to the thoughtful and well documented suggestion of Senator Charles McC. Mathias that it be converted into the nation's environmental research center.

As the senator well points out in his letter presentation for the plan to the President, "the personnel team and physical plant at Fort Detrick are ideally trained and equipped to positive and constructive progress in preserving and improving the environment."

And he well adds: "The goal of improving the quality of human life is more closely-related to the individual goals of members of the Fort Detrick team than has been popularly recognized. The potential is both real and large and the opportunity is fleeting."

Frederick has a tremendous stake in the continuance of Fort Detrick as a governmental facility. As the largest employer in the area, its economic impact upon the entire community is of surpassing magnitude and its cultural ties are close.

At the present time its future is heavily clouded with doubt. Obviously, under the humanitarian policy enunciated by President Nixon under which the nation renounces bacteriological warfare production of such weapons on the scale that has been carried out at Fort Detrick becomes unnecessary.

There have already been two layoffs of employees at the facility and another is in the cards for March. And a high level spokesman for the installation in an address to the Kiwanis Club recently in which he frankly admitted that morale is sagging told the group that he expects to see an exodus of the younger PhDs. employed there on a voluntary basis.

Obviously, this is what Senator Mathias so frankly warns the President of—the disintegration of the smoothly functioning team which has done a remarkable job as long as its efforts were required.

Reminding the President that Frederick is his home town, the senator said:

"I know the unique role that the scientific community at Detrick has played both in the civic and cultural life of Frederick and in performing the job which the Department of Defense assigned to it in our nation's security interests.

"It is a remarkable community. Those who have been involved in it are reluctant to see its members dispersed as a result of uncertainty of future use of the exceptional research facilities there.

"The scientific community without a significant role and mission is often an unhappy community. These are not merely people looking to preserve their jobs. They are people who believe—and properly so—that the unique facilities at Fort Detrick should not be casually dismantled by their government."

And, continuing, he added: "They will not long work for a body without a soul. The best brains there will have the best alternatives and will go first and fastest. To retain the finest members of this distinguished team you will have to move quickly."

Truer words were never said. This is no issue to get bogged down in the bureaucratic system of the Pentagon. Too much is at stake both for the future of Frederick County but the personal happiness of the Detrick staff.

A member of the management team at the military facility in his address to the Kiwanis Club predicted that the fate of Fort Detrick will be decided within the next two months.

But he frankly admitted that top personnel at the installation are as much in the dark as to the future of the facility as is the general public.

This is not good. The crying need of the 70s is an intelligent scientifically-oriented attack on the forces which are ruining the environment of the American people.

We agree with Senator Mathias that the laboratories and scientific knowhow of the facility are ideally qualified to attack this job and trust that President Nixon will give due weight to the suggestion.

MRS. HELEN DELICH BENTLEY

Mr. BIBLE. Mr. President, my home State of Nevada, which I have the great honor of representing, is landlocked and far in miles from an ocean. However, one of its natives has distinguished herself in the maritime field, both in the newspaper field and in Federal service.

I refer to Mrs. Helen Delich Bentley, a native of the copper-mining town of Ruth, Nev., a graduate of White Pine County High School in Ely, Nev., and a former student at the University of Nevada, and at one time a member of the senatorial staff of the late Senator James G. Scrugham of Nevada some years ago.

On Thursday, January 22, 1970, at the 163d commencement exercises at the University of Maryland in College Park, Mrs. Bentley was honored by being awarded a doctor of laws degree, as 1,700 persons received other degrees.

Mr. President, I ask unanimous consent that the full text of the doctor of laws degree received by Mrs. Bentley appear at the conclusion of my remarks.

There being no objection the text was ordered to be printed in the RECORD, as follows:

HONORARY DEGREE, HELEN DELICH BENTLEY, DOCTOR OF LAWS

Helen Delich Bentley, nominated by President Nixon in August, 1969, to serve as member and chairman of the Federal Maritime Commission, was confirmed by the U.S. Senate two months later.

Prior to joining the Federal Maritime Commission, Mrs. Bentley had a distinguished career as maritime editor of The Baltimore Sun, during which time her "Around the Waterfront" column was syndicated in many major newspapers.

Mrs. Bentley has received numerous honors and awards for her contributions in the maritime field. She was the only woman aboard the tanker SS *Manhattan* when it made its recent historic trek through the Arctic waters of the Northwest Passage.

Born and reared in Ruth, Nevada, Mrs. Bentley attended the University of Nevada for one year. She then moved to Washington, D.C., where she studied at George Washing-

ton University and worked for the late Senator James G. Scrugham of Nevada. She later received the bachelor of journalism degree from the University of Missouri.

ACTION NEEDED NOW ON OIL IMPORT REPORT

Mr. McINTYRE. Mr. President, the President's Task Force on Oil Import Controls has released an incisive report which calls for the gradual elimination of the oil import quota system as it presently exists.

The Washington Post, in an editorial entitled "New Oil Import Policy in Order," recognized that the time for further study has passed and that the action on the report must be taken now.

The Post correctly states that the task force has considered the myriad contingencies involved in eliminating the quota system and has come to the conclusion—the only conclusion possible—that our national security will not be harmed, but rather will be strengthened by a steady and deliberate phase-out of the present system.

It has become all too obvious that the administration has decided to place partisan politics above the needs of the residents of the Northeastern States. I hope that this attitude will change and that the consumer's interest will replace President Nixon's personal political interest.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW OIL IMPORT POLICY IN ORDER

The President's Cabinet Task Force on Oil Import Control has cut the ground from under the existing quotas. The quotas were established during the Eisenhower administration in the belief that protection of the domestic oil industry was essential to the national security. The task force under the chairmanship of Secretary of Labor Shultz has now found, after months of study, that "the present import control program is not adequately responsive to present and future security considerations."

With only two members of the Cabinet level group dissenting, the report makes a devastating case against the present system. It "has spawned a host of special arrangements and exceptions for purposes essentially unrelated to national security, has imposed high costs and inefficiencies on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions." The cost to consumers runs to astronomical sums. Without the controls, the task force concluded, the domestic wellhead price of oil would fall from $3.30 per barrel to about $2, the world price. The result would be a saving to American consumers of about $5 billion annually now and more than $8 billion by 1980.

The Shultz group does not, however, recommend any drastic or abrupt termination of the policy. "Complete abandonment of import controls at this time," it concluded, might cause economic dislocations and might not be consistent with national security. The task force urged instead a phased-in liberalization of the policy, beginning with a tariff of $1.45 per barrel designed to replace the quotas and further relaxation as warranted by changes in the supply situation. It is essentially a modest and cautious program and deserved a better reception at the White House than the non-committal statement the President issued.

Some risk would be present in any policy that might be adopted. The task force estimated that if North America should be denied all Eastern Hemisphere and Latin American oil in what it calls a "one-year supply crisis" in 1980, about 21 per cent of the United States and Canadian demands would remain unmet. But we shall be increasingly dependent upon foreign oil in any event because domestic use is growing faster than the supply. The security risks in being dependent on the Middle East for this oil are obviously greater than those involved in obtaining it from Venezuela and other closer sources. So the task force has suggested preferences and safeguard arrangements designed to increase the assurance of adequate oil without emergency interruptions. Probably the most uncertain element in the present picture is the development of the Alaska reserves. Fortunately, the policy recommended in this study would make ample allowance for adjustment to the anticipated flow of oil from Alaska when and if it becomes a reality.

It is understandable that the President wishes to analyze the report with care. His creation of a new Oil Policy Committee to monitor the problem on a continuing basis may be a good sign, as are the discussions with Mexico, Venezuela and Canada. But the country will be expecting some positive action on the basis of the task force findings. It would be indefensible to allow this heavy burden on consumers to remain untouched in the face of persuasive findings that it is not even serving the nation's security interests effectively.

ENVIRONMENTAL QUALITY: FAMILY PLANNING

Mr. TYDINGS. Mr. President, on February 19 of this year, the distinguished Senator from Wisconsin (Mr. NELSON) appeared before the Health Subcommittee of the Senate Committee on Labor and Public Welfare and delivered an excellent statement on the population problem in this country. His remarks revealed both a deep understanding of the population issue and a desire for remedial action.

As one of the leading environmentalists in the Senate, one who was battling to preserve the quality of life in this country while others were still silent, the Senator spelled out the critical relationship between unchecked population growth and the deterioration of our environment. As he put it:

> There are . . . many causes of the environmental crisis, but certainly one of the most important, if not the most important, is our expanding population.

The Senator also drew on the hearings he has chaired on the labeling of oral contraceptives to point out the urgent need for more research to develop safer, more foolproof contraceptives.

In addition, I was most pleased that the Senator used his appearance before the Health Subcommittee to endorse S. 2108, legislation I introduced last year to provide voluntary family planning services to all who desire them and to increase biomedical and contraceptive research.

I strongly recommend the Senator from Wisconsin's excellent statement to all who are concerned with the family planning and population problem in America. Therefore, I ask unanimous consent that the Senator's testimony be printed in the RECORD.

There being no objection the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. GAYLORD NELSON, A UNITED STATES SENATOR FROM THE STATE OF WISCONSIN

Senator NELSON. Mr. Chairman, I am appearing here today in support of Senator Tydings' Bill, S. 2108, which I have cosponsored.

The environmental crisis is ultimately the most serious crisis that we will have to face. The havoc we are bringing to the natural resources we have inherited will insure the end of life on this planet as we know it if something is not done about it today.

The tremendous strain that a highly industrialized society like ours makes on the environment which supports it just may break the delicate balancing of nature with catastrophic effects.

There are, of course, many causes for the environmental crisis, but certainly one of the most important, if not the most important, is our expanding population.

The seriousness of unchecked population growth is suggested by Paul Ehrlich, "Too many cars, too many factories, too much detergents, too much pesticides, multiplying contrails, inadequate sewage treatment plants, too little water, too much carbon dioxide—all can be traced easily to *too many people*."

Most of you here today already know of the dramatic and serious consequences of an unrestrained, spiralling population, and I need not go into detail.

It is unmistakingly clear that unless something is done about the population explosion, we will be faced with an unprecedented catastrophe of overcrowding, famines, pestilence and war.

When most Americans think of the population explosion, they usually think of it in terms of the rest of the world. For example, the world's population doubles every 35 years. Most developed countries have a doubling rate of better than 60 years, but many undeveloped countries have doubling rates of 20 years.

Consider that for a moment. That means that most undeveloped countries will have to double their roads, food production, power, transportation system, doctors, teachers, schools, every 25 years or so.

That would be a practical impossibility for a highly developed country like ours; it is out of the question for undeveloped countries.

Today, there is general feeling among a number of scientists that the world's optimum population level has already been passed.

It is my feeling, that judged in terms of our past performance in the management of our natural resources in this country, that we are already overpopulated in this country.

That is, we have demonstrated an incapacity to maintain a decent environment with 200 million people.

It surely will be catastrophic when in another 35 years we reach 300 million people. If we can't dispose of the waste of 200 million, what are we going to do with the waste produced by a technological society of 300 million people?

Some may take exception to that. They say that last year the United States had the lowest birth rate (births per thousand of population) in its history.

But even at that, that rate produced 3.5 million babies, a figure that would have been considered an extremely high figure before 1947.

Hopefully, our birth rate will continue to decline, but it is disturbing to realize that today we are going through a dramatic in-

crease in the number of persons of childbearing age.

In 1960, there were 22 million people between ages of 20 to 29. In 1975, there will be 36 million in that age bracket.

In spite of a declining birth rate, the most recent estimates point to the probability of a population in this country of 300 million by the year 2000, up from 200 million now.

If we plan on accommodating them adequately, we will need to build the equivalent of one new city of one-quarter million every 40 days for the rest of the 20th century.

If we do not build these cities, and I venture to say that we will not, the result will be more crowding of our already overcrowded cities, and more unsightly urban sprawl that destroys our countryside.

Today, in America, 70 percent of our people live on one percent of the land. The crowding of people into smaller and smaller areas may have detrimental effects that we are just now beginning to understand.

For example, according to studies made by Dr. Hudson Hoagland and other scientists at the Worcester Foundation for Experimental Biology, overcrowding helps produce crime, violence and schizophrenia.

Scientific tests have shown that overcrowding among insects and rats leads to irrational destructive behavior—fighting, suicides, and cannibalism.

The thesis of Desmond Morris' new book, "The Human Zoo," is that animals in the unnatural state of captivity show degenerative behavior patterns which are not found in animals in their natural habitat and which did not exist in primitive man. He attributes these destructive forms of behavior to the human zoo of the city in which man is caged.

It is also perfectly clear that overcrowding will not be the only adverse side effect of an unchecked population growth. Wayne Davis, in a disturbing article that recently appeared in the *New Republic*, says that our population level is more damaging to the land than the huge population of India.

Davis conservatively estimates that the average American has at least 25 times the detrimental effect on the land's ability to support human life as does the average Indian, and he indicates that a more realistic figure might be 500.

Considering our destructive tendencies to the environment, Davis concludes that our small population growth is actually 10 times as serious as the higher growth rate of the people of India.

It is quite obvious that some type of reasonable check will have to be made on our population growth.

Aside from the benefits a stable population will have on our efforts to achieve a quality of life in this country, we would also be helping to avert a world-wide catastrophe. We are told by our ambassadors that it is almost impossible to sell our birth-control programs to foreign countries, because it is generally recognized that we are not doing enough to solve our own problems. We need to be able to sell these programs with the background of "do as we do," and not "do as we say."

As pressing as the population problem is, it is probably the hardest of all our social problems to meet. The danger is twofold: if we do nothing, we invite world-wide calamity.

If we do too much regulating, we will seriously hamper individual freedom and throw away any possibility of a quality of life that we hope to attain by working for a stable population.

The question of how we can stabilize the world's population with a fundamental regard for human rights will be one of the most important questions that we will have to face up to in the decade ahead.

It is with these considerations in mind that I add my enthusiastic support to Senator Tydings' Bill, S. 2108. I do so for three specific reasons:

1. FAMILY PLANNING SERVICES AVAILABLE TO ALL WHO DESIRE THEM

It is the expressed purpose of this bill to make family planning services available to every family desiring such services five years from now. Present estimates indicate that last year, 800,000 out of 5 million women who desired such aid actually received it.

This committee has already heard testimony by Dr. Allen Guttmacher who quoted figures that indicate one-third to one-half of all pregnancies in America in the 1960's were unwanted.

If we can cut out unwanted births by voluntary family planning services, we will be making a marked impact on the population growth in this country and on the life situations of millions of Americans.

In addition to cutting down drastically on our population growth, by making services available to the poor that are now only available to the Americans who can afford such services, we will be eliminating one of the major causes of poverty—too many mouths to feed.

There is a high correlation, as Representative Shirley Chisholm has pointed out earlier, between the number of children in the family and the ability of that family to break out of the poverty cycle.

2. ADEQUATE FUNDING LEVELS FOR RESEARCH

The enactment of S. 2108 would do more than make services available to the poor. Through adequate funding levels for research, the bill will make available safer contraceptive means to those who do have access to medical care.

Almost all of the witnesses at the hearings on the oral contraceptive have testified that more resources are needed and should be allocated to solving the problem of providing the technology that will insure a safe and efficient contraceptive.

Even though the pill hearings have not been completed, one conclusion seems obvious: that we need to be making more funds available to make the pill safer, and to develop alternative methods.

Our hearings to date indicate that the pill presently on the market has some side effects and complications, needs to be improved, and cannot be expected to provide the ultimate contraceptive.

I might add, too, that there seems to be strong public support for more research in this area. A substantial percentage of more than 1,200 letters the Monopoly Subcommittee of the Small Business Committee has received, whether they be for or against the pill, indicate support for more research to bring forth a safer and as effective means of birth control.

I have written a letter to Secretary of HEW Finch indicating the need for further research, and I would like to insert that letter into the Hearing Record at this time.

Senator EAGLETON. That will be made part of the record.

(The letter referred to follows:)

"FEBRUARY 2, 1970.

"Hon. ROBERT H. FINCH,
"Secretary of HEW, Department of Health, Education, and Welfare, Washington D.C.

"DEAR SECRETARY FINCH: This letter is in reference to our telephone conversation on Monday.

"As I mentioned at that time, one thing that emerges rather clearly from the testimony on oral contraceptive drugs before our subcommittee is the urgent need for an expanded research effort, particularly in two fields:

"(1) clinical and laboratory studies of women on oral contraceptives, and

"(2) statistical and epidemiological studies to quantify the relationship between the use of oral contraceptives and these effects.

"Dr. Philip Corfman, Director of the Center for Population Research, appeared before the Subcommittee on January 23rd and described the research on these subjects now supported by the National Institutes of Health. It would be most helpful if the N.I.H. would outline and transmit to the subcommittee a description of the additional research that they believe is necessary to conduct at this time.

"I have assumed it is appropriate to direct this letter to you, rather than to N.I.H.

"With best regards,

"GAYLORD NELSON,
"U.S. Senator."

Senator NELSON. It is my belief that the funding levels in Senator Tydings' bill would provide a minimum level for achieving the technological breakthrough that is needed in addition to adding to the existing body of information on a whole series of population-related factors.

Earlier testimony before this committee has indicated that $10 million for population research was spent by NIH in Fiscal Year 1969 as opposed to $185 million for cancer, $165 million for heart, $105 million for allergies.

The budget for population based medical research for Fiscal Year 1970 is $15.5 million, and for Fiscal Year 1971, $28.4 million.

If Senator Tydings' bill is passed and enacted into law, the fund level for Fiscal Year 1971 would be $35 million more than that, or $63.4 million. This is a level that more closely approximates the funding level that is absolutely necessary for this problem.

Actually, if there is any one criticism that I have of the Tydings bill is that the figures are not high enough. It is my understanding that several groups of experts in the field agree that an adequate funding level for Fiscal Year 1970 would more closely approximate $175 million and more than $1 billion needs to be spent over the next five years.

It should be pointed out also that the results of such research will have beneficial effects more far-reaching than just within our national boundaries.

If we are to significantly help in the world-wide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale.

Present methods are either too complicated, too inefficient, too expensive, too awkward, or too unsafe.

3. COORDINATION OF EFFORTS

S. 2108 aims at the coordination of all population research and services into one National Center for Population and Family Planning.

A center such as that proposed in the Tydings bill will have several advantages besides eliminating duplication of effort.

By focusing all population-related activities into one center instead of spreading it around several different agencies, it will give us an agency that we can hold accountable for the money we appropriate to it.

If the program does not work, we can easily find out why. This will make it possible for us to insure that the taxpayers' money is being used wisely and in the public interest.

Last year, the President sent a special message to the Congress describing the growing threat that the population explosion poses to the U.S. and to the entire world.

He proposed that steps be taken here in this country to provide information and services on a country-wide basis so that all Americans who wished to do so could space or limit the number of their children.

He also stressed the need for increased scientific research to provide improved contraceptives for this purpose.

The challenge which faces medical science in meeting this issue is surely one of the greatest challenges facing our society today.

I hope that the hearings on the oral contraceptive will be regarded as a major incentive to the researchers, physicians, biologists, chemists, drug companies, and gov-

ernment agencies to find answers to the many questions which have been and are being raised.

With the passage of S. 2108, we will be giving the Federal Government the tools to stimulate and use the necessary research and developments.

It is urgently necessary that solutions be found as quickly as possible which are compatible with the health, welfare and the dignity of human beings here and throughout the world.

Thank you, Mr. Chairman.

Senator EAGLETON. Thank you, Senator Nelson.

At the bottom of page five of my copy of your statement, you make this observation: "If we are to significantly help in the world-wide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale. Present methods are either too complicated, too inefficient, too expensive, too awkward, or too unsafe."

Based on the hearings, Senator, which your committee held, can you summarize for us the state of the technological or medical art insofar as birth control techniques are concerned, and look down the road as to what you may envision as to be possible in this area from the scientific or medical points of view based on the testimony you have heard?

Senator NELSON. I, of course, cannot address myself to that question as one who has any independent expertise.

I might be able to summarize roughly what the experts who have thus far testified have to say about it.

Senator EAGLETON. Yes, that is what I want.

Senator NELSON. As for the oral contraceptive, there isn't any doubt but what it is effective. That is, for all practical purposes, it is 100 percent effective.

One of the problems about the oral contraceptive is that it does have some side effects. It may or may not have further side effects that we don't yet know about.

In other words, it has been used for nine years and it affects certain metabolic changes. The experts who have testified simply say they don't know what that means extended over, say, a 15-year period.

So there are some things about the pill that we don't know.

Furthermore, the research on the oral contraceptives has been inadequate from, I think, several standpoints, one of them being research.

There has been no research on dose levels. That is, we know what level of estrogen or progesterone combined or separately will prevent a pregnancy.

We don't know how low a level of these synthetics or a combination of them will be effective and at the same time reduce side effects.

It is rather astonishing to me that the oral contraceptive should be on the market now for about nine years, used by 8,500,000 people in America, and about another 10 million people around the world, and thus far no comprehensive studies have been made on dose levels.

In Britain, recently, they concluded that all oral contraceptives with more than 50 micrograms of estrogen should be removed from the market on the grounds that those with the higher amount of estrogens, that is, those with more than 50 micrograms, those with 75 or 100 micrograms of estrogen, substantially increased the incidence of thrombo-embolism.

So in England, they have been taken from the market so that none of the oral contraceptives have more than 50 micrograms of estrogen.

In this country there are many pills on the market that have over 50 micrograms.

The studies on which the British base their conclusion and requested their removal from the marketplace, to my knowledge, have not yet been made available to our government, though our government has requested them, and I anticipate shortly we will have them.

If the British studies support the conclusion, I assume that a decision will be made by the Food and Drug Administration to remove those from the market.

That still doesn't answer the question that we have done no research to find out whether 25 micrograms would be as effective and, if so, how much would that reduce the metabolic effects, how much would it reduce the incidence of thrombo-embolism or strokes, how much might it reduce the threat of other serious physiological damage as a consequence of extended use.

So what we are really talking about here is a very dramatic, effective, important oral contraceptive which has been a great benefit and a great step forward in attempting to do something about the problem of population growth, one that gives the user almost 100 percent assurance that if they do take the pill pregnancy would not occur, with all of the psychological and social benefits that go along with that kind of assurance. Still we haven't adequately researched these pills, or the variety of them, some of which are combinations and some are not.

Therefore, I think it is important, and every scientist would simply say, that our research should be expanded.

I think they are all confident that there can be a dramatic improvement in the oral contraceptive and very possibly find something that is even more convenient and more effective with less side effects.

Frankly, here is a drug being prescribed more widely than any other drug for long periods of time, for more people than any drug in the history of this country, and our research is pitifully inadequate.

So I would say that one of the most important aspects of Senator Tydings bill is that it addresses itself to the question of getting additional research.

I might simply point out that research and dose level studies are complicated to set up. You have to have a user who was willing to risk a pregnancy because of the lower amounts of estrogen or progesterone in the tablet. So it makes a difficult protocol study to set up, but not impossible—it can be done. I point up that if you can ultimately produce an oral contraceptive which would appear to be the most convenient method, if you could ultimately produce one that reduced further the side effects that those now have, it would have a substantial effect world-wide. According to the judgment of all the medical expertise, without any dissent that I know of, anyone taking the oral contraceptive ought to be advised in advance what the side effects are and ought to be advised in advance what the counterindications are so that the doctor can make a determination as to whether this patient has a family history of diabetes or breast cancer and should not be on the pill at all. Finally, all of them agree that anybody who is using the oral contraceptive must have a physical examination regularly.

One witness insisted it should be once every three months. A substantial percentage of them would conclude once every six months and others once every year.

But in any event, they agree to the need for a regular physical examination which involves a Pap's smear as well as a breast examination.

Now, what kind of a problem, if you are going to follow this quality of medicine, does that present in the under-developed countries of the world where there is not that availability of medical care?

It would be dramatic and important if you could develop a pill that substantially reduced the side effects that are now known, and ideally, of course, one that we become satisfied had minimal side effects. I am sure all of them will have some side effects—there is no way to introduce a potent compound into the body without having certain physiological effects and certain side effects that some people can tolerate and some cannot. But if you could dramatically reduce it so it wasn't quite so necessary to have examinations this often, a great contribution would have been made to the problem that we are discussing here.

I emphasize again I think there is no part of this bill that is more important than the part that addresses itself to expanding rapidly and dramatically, and investing much more, in research which has been sadly overlooked over the whole period of discussions of this problem.

I also think, too, that it is very important to centralize all the activities in one place, as this bill does.

Senator EAGLETON. Senator, I realize that the basic focus of your hearings was on the pill and its potential detrimental side effects.

However, in those hearings, was any testimony produced from scientific or medical sources that indicated the current state of the art insofar as other techniques of contraception, perhaps an annual innoculation or potential remedies of that type?

Senator NELSON. We will have some testimony. There is experimentation going on with the idea of innoculations that would have a long-term effect, so I understand, though we haven't had any witness address himself to that question. We will have. The hearings are not yet completed.

Senator EAGLETON. A final question: If we are to develop a safer, more effective contraceptive that we clearly need, is it realistic to rely on the drug companies to undertake the necessary research and development of these safe and effective techniques, or is it really up to the Federal Government to sponsor the basic research, or a combination of both?

Senator NELSON. I think a combination of both. The drug companies and the government have worked together on many, many projects involving important prescription drugs for many, many years now, each of them making substantial and important contributions jointly and individually in the field of research.

I think in terms of this oral contraceptive, the government must shoulder a substantially greater responsibility than it has in the past if for no other reason than that this problem presents the most critical social, political, economic problem. That is the problem of population pressure.

It presents the most serious problem, I think, that confronts mankind on the planet.

Senator EAGLETON. Thank you very much, Senator. We appreciate your testimony and your statements this morning.

Senator NELSON. Thank you.

THE BOSTON VA HOSPITAL

Mr. CRANSTON. Mr. President, I have just received a copy of a petition signed by more than 50 physicians, 47 nurses, and 13 other employees of the Boston VA hospital, directed to the hospital director. It details a number of very disturbing allegations about the level of care administered at that hospital. Unfortunately, the insufficiencies outlined in the petition seem to exist on a nationwide basis, as illustrated by recent announcements by the House Veterans' Affairs Committee and testimony at recent Senate Veterans' Affairs Subcommittee hearings regarding the VA hospitals in the District of Columbia; Philadelphia, Pa.; Miami, Fla.; and Los Angeles, Palo Alto, and Long Beach, Calif.; to name a few.

I hope to be making specific appropriations and legislative recommenda-

tions in the next month to help rectify this situation.

Mr. President, I ask unanimous consent that the VA hospital employees petition and their press release be printed in the RECORD in full at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AD HOC COMMITTEE,
BOSTON VA HOSPITAL,
Jamaica Plain, Mass., February 21, 1970.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR CRANSTON: The House Staff and other interested employees of the Boston Veterans Administration Hospital have prepared a letter and list of demands for reform which will have submitted to our Hospital Director, Dr. Francis Carroll.

Enclosed is a copy of that letter and an abstraction which is to serve as a press release.

We appreciate your interest in the V.A. Hospital system and will be happy to assist you in your efforts in any way possible.

Sincerely,
ROBERT C. SAUNDERS, M.D.,
For the Ad Hoc Committee.

FEBRUARY 17, 1970.

FRANCIS B. CARROLL, M.D.
Hospital Director, Veterans' Administration Hospital, Boston, Mass.

DEAR SIR: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are inadequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and x-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We *do not* accept the explanation that there is no money available because we know that funds can and should be made available for peoples basic health needs. Certainly veterans of our armed services should have "health care second to none", the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty per cent. Such a lack of staff results in unnecessary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray department must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is a average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, housekeeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding the elevators. At least maximum use must be made of existing elevators, which means that the two manually operated elevators function until 10 P.M. daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking calls from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illnesses. The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalizations. We strongly recommend that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

PRESS RELEASE BY AD HOC COMMITTEE AT BOSTON VA HOSPITAL

As employees of the Boston Veterans Administration Hospital, we feel that health care provided here is inadequate. Presently this hospital is not merely inferior to its "University Counterpart" but to most community hospitals. It has a staff patient ratio of 1.5 while nonteaching community hospitals have a ratio of 2.5 and University Centers average 3 to 4 employees per patient.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futily, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

Our hospital is caught in a triple financial squeeze. The yearly budgets have not kept up with the nation's inflationary trend, the rising cost of medical care, or the increasing demand for service. We do not accept the explanation that there is no money available. Health services must have the highest priority in the federal budget planning.

The wards are inadequately staffed with nurses, nursing assistants, and clerical personnel. There is often only one R.N. responsible for 40 and sometimes 80 patients. If more than one emergency arises at the same time, a not infreqent occurrence, the result can only be described as utter tragic chaos. Since the opening of the Intensive Care Unit in November, it has been operating at one-half capacity due to staff shortage, thus wasting thousands of dollars of space and equipment. Furthermore, nurses are often required to perform such non-nursing functions as filing and answering telephones which dilutes their effectiveness.

Medicine requires not only good nursing but support from x-rayed and laboratory services. Rapidly available comprehesive laboratory tests at all times are indispensable. Presently, however, only an inadequate minimum of laboratory studies are obtainable after daytime hours. The performance and reporting of laboratory tests are sporadic and

too often inaccurate. X-ray scheduling is greatly delayed; films are of poor quality, and many studies cannot be done due to a lack of technicians. At this hospital, it takes many days to weeks to obtain diagnostic x-ray studies that are done elsewhere in one day or less. Frequently x-rays are lost or unavailable when they are needed in the care of seriously ill patients. These deficiencies result in unnecessary risks to patients, costly, prolonged hospital stays, and unfortunately, compromises in diagnosis and treatment.

The Veterans Administration Hospital system does not provide follow-up outpatient care for non-service-connected illnesses. Consequently, there are many cases of unnecessary illness because of failure to deliver early detection and treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician which usually fails due to lack of needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can often prevent hospitalization.

The Veterans Administration Hospitals across the nation are facing a financial crisis today. This hospital is facing collapse. Basic health care cannot be delivered under present conditions. The life of a person must not be compromised to a politically motivated monetary policy which places health care in a non-priority position. Therefore, a list of demands from the employees has been submitted to the Hospital Director which specifically outlines the minimum requirements necessary to relieve the present crisis.

THE EMPLOYEES.

FEBRUARY 20, 1970.

THE POLITICS OF ACADEMIA

Mr. DOMINICK. Mr. President, campus unrest has been a major concern to the academic community and certainly the interest in this subject by Members of Congress is reflected in section 407 of the pending HEW bill. University presidents have repeatedly attempted to find constructive approaches to this problem, but often to no avail. I have, on several occasions, had the opportunity to examine such approaches by one university or another.

However, I have recently read the text of a speech that Kingman Brewster, Jr., president of Yale University, delivered to the Yale Political Union last September.

Mr. President, I must say that this is one of the most constructive and rational approaches to student involvement in university affairs that I have read and President Brewster should be congratulated on his throughtful, analytic but flexible approach to a very emotional issue. Accordingly I ask unanimous consent that the text of Mr. Brewster's speech be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF ACADEMIA

(By Kingman Brewster Jr.)

The main thrust of most current reappraisals and proposals concerning how a university should be run have supposed that there should be a broader and more "democratic" participation by students in the decisions of the faculty. They also seek a broader and more democratic participation by both faculty and students in decisions traditionally reserved to the administration and trustees. The central issue in the ensuing debate has been how far this participation should be broadened, and how democratic the selection of participants should be. This certainly has been the focus of the discussion at Yale, both last spring by various student groups and unofficial "open" meetings; and during the summer in the deliberations of an ad hoc group of faculty and students who were asked to act as an advisory committee to Mr. Jorge Dominguez, '67. Mr. Dominguez, currently a Junior Fellow and candidate for the Ph.D. in government at Harvard, was asked by me to review the proposals and developments at other institutions and to recommend how Yale might best constitute a "legitimate" group of faculty, student, and others to make recommendations for the improvement of Yale's "governance."

In past reports, speeches, and conversations I have encouraged more avenues for student participation but I have also pecked skeptically at the notion of institutionalized representation as the cure-all for discontent, or as the principal prescription for improvement. Taking an advocate's aim at a straw man when he sees one, I have blasted the extreme and extremely silly notion that "pure" one-man, one-vote democracy would best determine the work and direction of a university.

Even if we could knock most radical, participatory democrats and most reactionary, traditional autocrats off their extreme perches, however, there does remain a fundamental choice of emphasis which must be made, and which is really receiving almost no attention at all. I have done no more than hint at it timidly in the past because I was not sure where I came out. Now I am. I am convinced that *representation* is not the clue to university improvement, indeed that if carried too far it could lead to disaster. I am, rather, now convinced that *accountability* is what we should be striving for.

Champions of representation of students to vote in all groups, committees, boards, and meetings make the appealing point that a student should be able to participate in the decisions which affect him. Now obviously his opinion should be taken into consideration, just as his interests should be taken into account. But the current mood is that he should be able to have a large say in actually making the final decisions on all matters.

On some matters I have indicated before that the self-determination of the faculty, collective academic freedom from the pressure to please or the fear of displeasure, requires that the faculty be able to meet in camera on issues of appointments, degree standards, and the recommendation of degrees. But leaving these sanctuaries aside, there is the very real question of whether it is in the best interest of the students themselves not only to make their voices heard but to try to govern the place. Put differently, it is pertinent to ask whether the place will be better or worse in terms of the student's own interest in the quality of his education if the responsibility for its direction is assumed by student representatives or if it resides primarily with the faculty and administration.

I happen to think that in a world in which ideas and policies and institutions have a high rate of obsolescence, on many matters the young are more perceptive, wiser if you will, than their elders. On the other hand, experience has its claim. And in a self-perpetuating institution the claims of continuity have to be weighed against the claims of "now."

Judgments can differ about this. But whatever they are, I am moved by another very practical consideration, on the basis of admittedly short experience and inadequate sample. I do not think that the great majority of students want to spend very much of their time or energy in the guidance and governance of their university. They want to live and learn up to the hilt, and make the most of what they know to be a very unusual and remarkably short opportunity to develop their capacities by trial and error in the pursuit of personal enthusiasms. Over and over again this has been demonstrated even in times of crises which shook and threatened the existence of the institution. In the longer, duller life between crises it is even more demonstrable that to the average student the purpose of university life is learning and living, not governing. The long and unimpressive history of "sandbox" student government is fair warning that student politics like the politics of professional associations (American Bar Association, American Medical Association, et cetera) cannot be counted on always to draw out the most talented members of the constituency or to capture the attention and concern, day in and day out, of the eligible voters.

So assumption number one which has led me to the conviction that broader sharing of responsibility for ultimate academic decisions is not the primary thrust of useful university reform: the majority is not sufficiently interested in devoting their time and attention to the running of the University to make it likely that "participatory democracy" will be truly democratic.

Assumption number two is that most students would rather have the policies of the university directed by the faculty and administration than by their classmates. This is pure speculation. The question has never been thus bluntly put. The only reason I come to this conclusion, I suppose, is because I would feel that way. I would insist on a right to be not only heard, but listened to. But I think that the institution will do a better job and be more likely to make bold decisions swiftly and decisively if ultimate responsibility for its direction is sharply focused on the shoulders of people who are devoting their personal energies and risking their professional reputations, full time, for the best years of their lives, for the quality of the institution; whether as committeemen, department chairmen, deans, officers, provosts, or presidents.

Not only the capacity to make decisions boldly and consistently, but the quality of those decisions urge that inherently executive matters not be distorted by being poured into a quasi-legislative process in the name of representation. If the allocation of resources is put into a legislative process, it can only devolve into a log-rolling, pork-barrel exercise with each interest group trying to take more and give less. The search for outside support cannot be dictated by any detailed legislated directive or control; needs must be matched to opportunities. The prospect of getting twice as much for the lesser need must be weighed against the chance of getting much less or nothing at all if other priorities are stubbornly insisted upon with all potential donors. As in all negotiation, individual conviction and intuition has to be relied upon. The delays and embarrassments of public discussion of particular approaches for outside support would chill the market and rob the executive of its ability to speak with the confidence and conviction which is the essence of "selling" the institution to potential supporters—public or private. Finally, there is an intangible element of character and personality on which any donor must rely when he puts his funds in trust. This would be diluted if the donor felt that the destiny of his gift depended on the rise and fall of political fortunes in a representative assembly whose members he could not possibly come to know with the intimacy which inspires confidence.

So, I am now convinced that the political symbolism of participatory democracy is an illusion when applied to many of the academic and financial decisions which direct an academic institution; and that the slo-

gans of representative democracy could lead to even greater misrepresentation of the student interest in the quality of his institution if they implied the sharing of the faculty's academic responsibility. Either one, if carried to ultimate legislative supremacy could stultify the capacity to steer the place boldly and decisively in times that require imagination and rapid change.

The answer to the legitimate student demand for great *individual* self-determination is wider and wider latitude for academic as well as personal choice, including the choice of whether and when to stay at the institution, now inhibited by an outrageous selective service system. The answer to the legitimate student demand to have protection against incompetent and unresponsive administration is not formal *representation* in all matters. It is administrative *accountability*.

The first requirement of accountability is disclosure. Those affected by policies and decisions cannot hold those who make them to account unless there is full and adequate public access to the record of the process by which the decision was made. Reasons of good manners or simple humanity may make it from time to time desirable to impose a seal of confidence on one man's opinion about another, in the admissions or appointment processes in particular. Unless opinion can be received in confidence in such cases it may well either not be given or be watered down into banalities in order to avoid offense or injury.

Also there may be situations where the intentions of the institution in its dealing with adversary outside interests make it very unwise to tip one's hand by public disclosure. In an impending real estate deal there is no reason why the University should be deprived of its bargaining power by having to reveal the inner thoughts about what the outside price would be. In a legal proceeding there is no reason why the University should forfeit its right to devise its strategy in confidential talks with counsel and others involved. But these are exceptions which can be reserved for executive sessions and confidential minutes. Hiatus could be noted in the record, specifying the nature of the problem and the reasons for exceptional confidentiality. Otherwise, it seems to me that the record should be public. At the very least there should be a public communiqué. It might be even better if there were literal transcripts. Even if such transcripts were rarely resorted to, their availability would be the best assurance that the University could not be governed by conspiracy and that the reasons given by way of explanation were in fact the reasons for decision. Obviously the self-consciousness which this would impose might be an inhibition; it certainly will be opposed by traditionalists who value the men's club atmosphere of confidential deliberation. Some form of convincing access to the record of proceedings and the reason for decision seems to me far, far preferable to an ever widening and diluting of the responsibility for decisions. If accountability as an alternative to representation is to be convincing, disclosure must be as nearly complete as possible.

The second requirement of accountability is the right of petition by those affected by decisions. There has to be a legitimate, easy, and reliable way in which critical opinion can be generated and communicated. Informal access through a variety of channels is the best way to do this in a relatively healthy situation. But if lack of confidence in authority spreads to a numerically significant minority of any of the constituent parts of the University—students or faculty (or alumni for that matter)—then there should be an understood channel of petition to whatever level is responsible for the appointment to the post or office whose conduct is the subject of complaint.

If a large majority most of the time, or a significant minority all of the time, is willing to delegate the job of policy-making and direction to faculty and administrative leadership, it is especially important to be sure that when this confidence is lost something can be done about it through legitimate channels. Accountability as a substitute for representation presupposes that those who are entrusted with responsibility will feel the hot breath of accountability day in and day out. This will be so only if petition can reach and gain response from those in a position to act, at a level above those complained of.

The third essential element if accountability is to be real is some regular, understood process whereby reappraisal of the competence of administration and the community's confidence in it can be undertaken without waiting for a putsch or rebellion.

At Yale this takes place pretty regularly in the case of college masters, department chairmen, and deans. Unlike many universities, every administrative appointment is for a term of years; three for chairmen, five for masters and deans. Naturally there is a presumption in favor of renewal if the man is willing. But after a second term there is generally an expectation that the man will revert to his purely academic status as a teacher and scholar.

This expectation of impermanent administrative appointment has many obvious virtues. It passes the burdens of academic administration around so that over the cycle of a generation more points of view are brought to bear, more people are involved and have seen the institution from the vantage point of important responsibility. Hardening of the academic arteries is less likely to set in. Most important of all, the relatively short term assures both the institution and the man that there is an honorable and humane discharge which does not imply dissatisfaction on either side. Given this opportunity for periodic reappraisal, the President is in a position to solicit and react constructively to criticisms and malaise without waiting for the mobilization of malcontentment in the form of petition. Recent experience with the appointment of new masters and new deans have shown that a little time and trouble can bring to bear on such appointments the authentic views of the students and faculty affected. This should be no less true when the issue is renewal of an existing appointment, and any self-respecting, self-confident dean would welcome it.

But what about the President himself? For a couple of years now I have been toying with ways in which the President might be made more accountable to those whose lives and professional circumstance he crucially affects. While I do not think that his power can be fully shared by any legislative process, I do think that his own tenure should be at risk if he is to enjoy the latitude of executive decision which the job requires.

In thinking through the question of the President's responsibility in the case of a disruptive confrontation, I concluded that the power to act on the spot should not be stultified; but that in spite of all the risks of Monday morning quarterbacks on the faculty, the President should submit his actions to review and should, if necessary, make the issue one of confidence. If he were to receive a vote of no confidence, he should offer to resign. This conclusion is implicit in the "Dear John" letter of April 1969, in which I tried to spell out our thinking about the protection of dissent and the prevention of disruption.

The principle of executive accountability as the price which must be paid for the exercise of executive discretion has, up to now, been formally limited to the power of the trustees to fire the man they hired as President. This is a terribly limited and inhibited power, since it cannot be exercised without running contrary to the expectation of a lifetime tenure. There is no objective occasion or event which invites the appraisal. Even the most decorous and covert effort to remove an unsatisfactory president is at best a matter of intense personal anguish to everyone concerned.

Since it is likely to be resorted to only after deep rumblings of widespread dissatisfaction have been voiced in several quarters, the chances of concealing the reasons for premature retirement are very slight. If the malaise has erupted into rude, crude, and unattractive challenge, then of course the trustees are likely to get their defensive backs up, just to prove that they cannot be pushed around and that the institution will not be governed by mob rule. So, the worse the disease, the harder the cure.

The essence of the problem is that, while there is legal accountability to the trustees, there is no orderly way in which those most significantly affected by maladministration can invoke trustee action within a measurable time, without open challenge to the stability of the institution and the integrity of its processes.

It seems to me that the only way this problem can be solved is to require the periodic, explicit renewal of a president's tenure. I happen to think that ten or twelve years or so is about enough anyway, although there is no generalization valid for all times and places and people. More important than the length of average term, however, is the need for some shorter interval which permits periodic reassessment as a matter of course, without waiting for or requiring invidious or disruptive public complaint. Unless there is some such arrangement, the hope for genuine accountability at all levels of authority is illusory.

I think Yale would be better off if it were understood that the trustees would make a systematic reappraisal and explicit consideration of the President's reappointment at some specified interval. This might be seven years after the initial appointment, perhaps at a somewhat shorter interval thereafter. I would urge the trustees right now to consider adoption of such a policy. This would mean a termination of my present appointment a year from June and an explicit judgment about the wisdom of my reappointment by that time. Under present circumstances the effect would be to make the office more attractive not only for initial appointment but also for continuation in it.

Of course the trustees could not, and should not, abdicate their ultimate responsibility for the exercise of their best judgment about the best interests of the institution. Occasions have arisen, and may well rise again, where defiance of popular student and faculty opinion is in fact justified by an issue of principle, just as may be the *defiance* of alumni or public opinion. Reservation of this duty and right, however, does not justify insulation of either the President or the trustees from a periodic, systematic assessment of what student and faculty opinion is.

Such accountability from top to bottom of the institution would require startlingly new measures for full disclosure of the meetings at which decisions were taken; and unorthodox revision of the terms of presidential appointment. Disturbing as they may seem from the perspective of inherited tradition, I would urge with great conviction that they would be far more consistent with the nature of a free academic community, and the administrative leadership it requires, than would the sharing of faculty and administrative responsibility for academic and institutional policies.

If such real accountability were achieved then I have no doubt whatsoever that consultation would become regular, widespread, and serious. This should include formal as well as informal participation, including elected groups where appropriate. No one with any sense, let alone pride and ambition, could fail to take seriously the importance of adequate consultation with those to whom he would in fact be held account-

able at periodic intervals. Sometimes the processes of consultation will be best served by an elective process; sometimes it will best be done by trying deliberately to impanel a group with a greater variety of interests and viewpoints than would probably emerge from majority vote. Also there are mixed solutions, relying in part on ballot, in part on administrative selection. Most important there should be no exclusive channel of communication or opinion, nor any requirement that all consultation should be formal.

If it were limited for the most part to consultative arrangements, "legitimacy" might lose some of its rigidity. Even if ultimate responsibility should lie with the full-time faculty and administration, subject only to review by the trustees, consultative participation is both good education for the participants but essential if the institution is to be alert to its own needs in a fast changing society.

I make these somewhat radical proposals because while I do respect and share the dissatisfaction with a governance which seems free to ignore the will of the governed, I think that the sharing of faculty and administrative power with students on a widely dispersed democratic basis would be a disaster for our kind of academic institution. So I urge much more strenuous examination of techniques of accountability. They would be more fitting for University governance than would techniques for the sharing of ultimate responsibility with the transient student constituency. In order to further serious consideration of these possibilities, I submit the concrete proposals concerning disclosure and the terms of presidential appointment as worthy of consideration. Much more thought and inquiry is in order before such notions could harden into concrete proposals. They seem to me, however, to point in a direction far more promising than expecting actual direction of University affairs to come from a participatory democracy in which only a minority would participate, a representative democracy which would be unlikely to be truly representative, and the substitution of a legislative power for what are inherently executive responsibilities.

U.S. INVOLVEMENT IN LAOS

Mr. HARRIS. Mr. President, the concern over our apparent increasing involvement in Laos is growing daily. Last week it was reported that B–52's are dropping bombs in northern Laos very close to the Chinese border. This week new reports are claiming that ex-Green Berets, allegedly CIA employees, are being used in Laos. The question raised by these undenied events are very important and answers to these questions should be provided to both the Congress and the American public.

If, as the administration claims, Laos and Vietnam are related, does the recent increase in activity in Laos signify an expansion of the Vietnam war? It would be tragic if the net result of the President's Vietnamization plan is a shifting of the battlefield from Vietnam to Laos.

If the news reports are accurate, have we committed ourselves to another land war in Asia? The warnings against such an involvement are well known to all Americans, and surely our experience in Vietnam should be ample proof of the soundness of the warnings we have received.

If we are committed to involvement in a conflict in Laos, under what treaty or other agreement are we bound to such a conflict? We know that Laos has disclaimed any right of SEATO protection and that in 1962, in the declaration of the neutrality of Laos the major powers, including the United States, recognized this disclaimer.

If we are committed, what is the extent of the commitment and how much of a sacrifice will the American public be called upon to make? Since we already have reports of American casualties in Laos—191 American airmen had been reported as missing as of February 24—this is no idle question, and one about which the American public deserves an immediate answer.

Answers to these questions and others should be provided to Congress and to the American public. If these questions had been asked at the outset of the Vietnam involvement, perhaps we would not have made some of the tragic mistakes that have been made. I am pleased that the distinguished senior Senator from Missouri (Mr. SYMINGTON), has requested that G. McMurtrie Godley, the U.S. Ambassador in Laos, be recalled for testimony before the special committee he heads. I support the action taken by Senator SYMINGTON and I hope that his efforts and the concern of the public that is beginning to be voiced on this matter will convince the administration of the need to furnish answers to these vital questions.

COMMUNICATION FROM HO CHI MINH TO PRESIDENT NIXON

Mr. DOMINICK. Mr. President, late last year I received in the mail a most interesting and provocative program from a distinguished faculty member, Dr. Roy Colby, of Colorado State College, in Greeley, Colo. Enclosed with the letter to me was a copy of his letter to President Nixon, dated November 5, 1969, which in turn included a translation from Communese-English to standard English of Ho Chi Minh's reply to the President's letter of last summer. Also included in the letter to me was an article entitled "Sprechen Sie Communese?" written by Reed J. Irvine, an adviser to the Division of International Finance and Chief of the Asia, Africa, and Latin American Section of the Board of Governors of the Federal Reserve System. The article was published in the January 1968 edition of the Foreign Service Journal.

Since I have felt that part of the disagreements between Members of this body may be based on the meaning which Communists place on words which have a different meaning when spoken by an American or Englishman. I ask unanimous consent that the correspondence and the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD. as follows:

GREELEY, COLO.,
November 24, 1969.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: The other night I defended the Nixon Vietnam policy in a debate with a political science professor at the Colorado State College Student Center. The watershed point of the issue seemed to be: Is, or is not, South Vietnam being subjected to Communist aggression?

Those who, for whatever reason, answered this question affirmatively, tended to support current U.S. policy. Those who, for whatever reason, responded negatively, seemed to favor a speedy withdrawal of U.S. troops from South Vietnam, regardless of the consequences. As you know, the latter view is rapidly gaining momentum in this country. Indeed, my opponent himself told the audience, in substance, "If I were convinced that Communist aggression were taking place there, I would support President Nixon's efforts to check it."

A student of revolutionary semantics, I am simultaneously intrigued and disturbed by the increasingly wide-spread acceptance, especially among college students, of the ideological representation of the events taking place in the world, and in Vietnam, in particular.

In my opinion, one of the chief reasons for this destructive phenomenon is our human tendency to take words at face value and to assume unconsciously that the faiths and values of Marxism-Leninism are the same as our own. An unfortunate consequence of this is the acceptance of the ideological sense of such terms of international law and diplomacy as peace, aggression, imperialism, self-determination and coalition government, *inter alia*, vocalized in Communese, the international idiom of Communism.

There is enclosed an article, "Sprechen Sie Communese?", by Reed J. Irvine, a semantical scholar, who clearly explains how Communese works and also sets forth why it must be translated into standard English.

Following the President's talk on Vietnam November 3, 1969, his hitherto secret exchange of correspondence with the late Ho Chi Minh was released to the press. There is also enclosed a copy of my letter to President Nixon dated Nov. 5, 1969 transmitting a translation from Communese-English into standard English of Ho Chi Minh's letter dated Aug. 30, 1969.

Please note how different the letter reads in translation. This is the sense captured by Communists all over the world—and missed by us in the West.

In this connection, your attention is invited to an insertion in the June 5, 1969 *Congressional Record*, "When Is the U.S.S.R. Not the U.S.S.R?", by Senator Paul J. Fannin of Arizona. Your particular attention is directed to the suggestion of Dr. Erick J. Vesely of the American Research Foundation of Washington, D.C. As you may know, Dr. Vesely is one of the nation's foremost authorities on Communism and Marxist-Leninist semantics. His recommendation to the Congress is as follows:

"*Recommendation*: At your discretion, may it be suggested that a study group comprised of persons thoroughly familiar not only wth Marxist-Leninist (Communist) theory and practice but also versed in the terminology and usage of Marxist-Leninist ideo-political language (semantics) in international and transnational communications, be established with Legislative and Executive endorsement. The responsibility of this group will be to examine, analyze, interpret and present to the American people and their representatives a sound, unequivocal interpretation of all significant documents in terms of their true idiomatic rather than literal meaning as instruments of the World Socialist (Communist) System's strategy and tactics of deception and subversion."

In the national interest, it is respectfully urged you take whatever appropriate action in this matter you may see fit.

Sincerely yours,

ROY COLBY.

GREELEY, COLO.,
November 5, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Following your address to the nation on November 3, your exchange of correspondence with the late Ho Chi Minh was published in the press.

I have taken the liberty of making a translation from Communese-English into standard English of Ho Chi Minh's reply to your letter. The enclosed translation is accompanied by a glossary, explaining the ideological import of the key terms.

As you know, Communist values are different from our own, and I therefore urge you to have translations made of Communist documents for the information of government leaders, the press and the American people.

Sincerely yours,

ROY COLBY.

TRANSLATION FROM COMMUNESE-ENGLISH INTO STANDARD ENGLISH

(By Roy Colby)

Received in PARIS,
August 30, 1969.

To His Excellency
RICHARD MILHOUS NIXON,
President of the United States,
Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The *defensive war* [1] of the United States against our *Communists and their supporters,* [2] *preventing us from overthrowing the government,* [3] still continues in South Vietnam. The United States continues to *respond to Communist escalation of the war with increased military operations,* [4] the B52 bombings and the use of *non-toxic* [5] chemical products *to increase the pressures* [6] against the Vietnamese *Communists and their supporters.* [2] The longer the *resistance to Communist aggression* [7] goes on, the more it accumulates the mourning and burdens of the American *Communists and those who support Communist objectives for whatever reason.* [2] I am extremely indignant at the losses and destructions caused by the American troops to our *Communists and their supporters* [2] and *the country we desire to conquer and communize.* [8] I also *note with satisfaction* [9] the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of *the American Government.* [10]

Our *Communists and their supporters* [2] are deeply devoted to a *Communist victory,* [11] a *Communist-type peace* [12] and *a totalitarian government.* [13] They are *being coerced* [14] to fight to the end, without *being spared* [15] the sacrifices and difficulties in order to *overthrow the government of South Vietnam.* [16]

The overall solution in 10 points of the National *Communization* [17] Front and of the Provisional *Communist* [18] Government of the Republic of Vietnam is *the Communist version of a logical and reasonable* [19] settlement of the Vietnamese problem. It has earned them the sympathy and support of the *Communists and their supporters* [2] of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the *defense war* [1] and withdraw their troops from South Vietnam, *yield to the demands* [20] of the *Communists and their supporters* [21] of the South and of *Communist North Vietnam* [22] to *control South Vietnam* [23] without *non-Communist* [24] influence. This is *the Party Line on* [25] solving the Vietnamese problem in conformity with the *demands* [26] of the Vietnamese *Communists and their supporters* [2], the *detriment* [27] of the United States and the hopes for *a Communist victory* [11] of the *Communists and their supporters* [2] of the world. This is the path that will allow the United States to get out of the war with *dishonor* [28].

With *further yielding* [29] on *your side* [30], we might arrive at *Communist* [31] efforts in views of finding *the Party Line on a* [32] solution of the Vietnamese problem.

HO CHI MINH.

GLOSSARY OF COMMUNESE-ENGLISH TERMS USED IN HO CHI MINH'S LETTER

N.B. Communese is the name given to the official language of Communist states. In Communese, ideological values are assigned to concepts expressed in any national language; therefore, the ideological meanings must be translated into the standard idiom if the true meaning is to be captured. Ho Chi Minh's letter was originally written in either ideological Vietnamese (Communese-Vietnamese) or ideological French (Communese-French) and translated into ideological English (Communese-English). The following glossary justifies the translation given above by explaining the ideological meanings of key Communese-English terms in the letter.

FOOTNOTES

[1] *War of aggression*—In Communese, "aggression" is charged whenever free nations defend themselves against "wars of national liberation", that is to say, against attempted Communist takeovers such as the one currently underway in South Vietnam.

[2] *People*—It is common practice for Communists to claim all-inclusive support for their objectives. In reality, their support comes only from other Communists, fellow-travelers and those individuals who for other reasons have the same objective in a particular case.

[3] *Violating our fundamental rights*—Communists usurp a "right" to overthrow non-Communist governments. Hence, when they meet with opposition, they allege violation of their national rights.

[4] *Intensify military operations*—The impression is given that the U.S. is acting willy-nilly in Vietnam; sometimes we intensify military operations, sometimes we de-escalate. Please note that no mention is ever made in Communist statements about Communist escalation, to which the U.S. merely responds.

[5] *Toxic*—In the Marxist-Leninist, ethic, truth is anything that benefits Communism. Hence, falsehoods are an integral part of the ideological language.

[6] *Multiplying the crimes*—In Communese, "crimes" are acts which block Communist objectives.

[7] *War*—If there were no resistance to Communist aggression, there would be no war.

[8] *Our country*—The Party Line holds that all of Vietnam belongs to the Communists and that South Vietnam by "rights" should be "reunited" with the "Democratic Republic of Vietnam", i.e., North Vietnam.

[9] *Am . . . deeply touched*—Deeply touched, yes, but with satisfaction because many American deaths cause many Americans to call for an immediate withdrawal of American troops. See Note 5 re Communist conception of truth.

[10] *American ruling circles*—Any non-Communist government is portrayed in the ideological idiom as "ruling circles", as if a nefarious cabal had seized control of the government and were deliberately thwarting the real will of the people.

[11] *Peace*—In this context, "peace" can be achieved when resistance to Communist aggression is stopped; the result would be a Communist victory.

[12] *True peace*—In Communese, the adjective "true" is employed to distinguish the usual meaning of a concept from the ideological. Hence, "true" peace means peace on Communist terms.

[13] *Independence and real freedom*—In the Marxist-Leninist ethic, "independence" and "real freedom" (Communist-type independence and Communist-type freedom) can exist only under a "dictatorship of the proletariat", i.e., authoritarian control by the Communist Party.

[14] *Determined*—Those who fight for Communist causes are coerced into doing so, either by indoctrination or threats of reprisals, or both.

[15] *Fearing*—In accordance with Marxist-Leninist values, the Communist cause is all-important and the individual is nothing—a tool to help accomplish objectives. Hence, those who fight for Communist causes are not spared and while some may be fanatical enough not to care what happens to them, others fear what will happen to them or their families if they do not obey orders.

[16] *To defend their country and their sacred national rights*—Communists and their supporters are fed the line that by overthrowing the government of South Vietnam they are really defending their country and their sacred national rights.

[17] *Liberation*—In Communese, the concept of liberation means being rid of capitalist or non-Communist influences. Liberation, then, takes place in measure as the communization process proceeds. The National Liberation Front is indeed the front for the Vietnamese Communist Party, whose primary objective is the communization of South Vietnam.

[18] *Revolutionary*—In Communese, a revolutionary government is a Communist or Communist-dominated government. Such would be the only coalition government in South Vietnam acceptable to North Vietnam.

[19] *A logical and reasonable*—What is logical and reasonable according to the values of Marxism-Leninism is invariably illogical and unreasonable in the Western ethic.

[20] *Respect the right*—Communist demands are considered to be rights and, according to this kind of logic, should be respected, i.e., yielded to.

[21] *Population*—See Note 2.

[22] *The Vietnamese nation*—Communists consider South Vietnam as an ununified part of North Vietnam.

[23] *Dispose of themselves*—Communists desire to "dispose of themselves" in such a way as to control South Vietnam. This is their idea of "self-determination".

[24] *Foreign*—Ideologically speaking, "foreign" means non-Communist. Soviet or Red Chinese influence, not being "foreign", could be welcomed.

[25] *Correct*—There is only one correct way to do things and that is in the manner prescribed by the Communist Party Line.

[26] *National rights*—Communists claim it is within their national rights to overthrow the Saigon government. See Notes 3 and 20.

[27] *Interests*—In Communese, the "interests" of a non-Communist country always parallel Communist interests. Hence, such interests are detrimental to the non-Communist country.

[28] *Honor*—What is honorable for Communists is invariably dishonorable for non-Communists.

[29] *Good will*—Non-Communists show good will when they keep giving in to Communist demands.

[30] *Both sides*—In East-West negotiations, both sides are said to have made concessions whenever the non-Communist side yields.

[31] *Common*—In Communese, "common" means for Communist benefit.

[From Foreign Service Journal, January 1968]

SPRECHEN SIE COMMUNESE?

(By Reed J. Irvine)

Although very few people would even recognize it by name, Communese has become one of the most widely used languages in the world. It is the official language of governments which control about one-third of the world's population, and it is used by them not only in all of their domestic publications, radio and television broadcasts, etc., but also in their communications with people living outside their countries. Even though you may not recognize it when you see it or hear it, you probably come in contact with it many times in the course of an average week.

Is it possible to read or listen to an alien language and not know it?

The answer is yes in the case of Communese. The reason is that it is a parasitic language. It uses the same grammar as your native language and even the same words. The only thing that is different is the meaning of many of the words that it employs.

In this sense it is similar to another parasitic form of language—slang. When a teenager says, "Man, that cat is crazy," only two of these perfectly conventional English words, "that" and "is" are used in their conventional sense. To the uninitiated, the sentence is either meaningless or completely misleading, even though each individual word conveys a meaning. This type of language is parasitic since it feeds on English, but it is not English.

Communese is a different type of parasite from slang. The uninitiated soon realizes that the hippie is really speaking a different tongue which has to be translated into standard English, just as French and German has to be translated. This is not quite so obvious with Communese because the words seem to make sense even though their real meaning may be very different from what the reader or hearer thinks. Thus the need to translate Communese into the standard idiom is less apparent, and it is frequently used over the air and in the press without any translation or explanation.

For example, the Soviet Union has issued a special statement to commemorate the 50th anniversary of the Russian Revolution. This statement is written in Commuese, that being the official language of the Soviet Union. It will be reprinted in whole or in part and quoted throughout the world in the original Communese. Needless to say, it will confuse those who have never studied this language, and are unfamiliar with its vocabulary, and that is precisely what those who employ this language intend.

This statement in the original Communese, reads like this:

"The revolutionary rejuvenation of the world, begun by the October revolution and embodied in the triumph of socialism in the USSR, has been continued in other countries . . . Imperialism, notably US imperialism, was and continues to be the main enemy of the national liberation movement."

And so on, at great length. To translate such a passage into standard English requires the use of a Communese glossary. A rough translation would go like this:

"The counter-revolutionary enslavement of the world, begun by the October counter-revolution and embodied in the triumph of totalitarianism in the USSR, has been continued in other countries . . . Liberalism, notably US liberalism, was and continues to be the main target of the totalitarian subversive movements in the less-developed countries."

This makes it clear that any statement written in Communese ought to be translated into standard English if it is to be understood by those who have never studied the language. Otherwise there will be no end of misunderstanding. If the New York Times printed in Russian, without translation, the statements of Leonid Brezhnev, the danger of misunderstanding would not be nearly as great as it is when the Times prints statements in the original Communese. Readers who had never studied Russian would not bother to read the statements by Brezhnev, and they would therefore not delude themselves into thinking that they knew what he had said. However, those who do not understand Communese are frequently observed repeating phrases that they have read which they obviously misinterpret. What is worse, they frequently suggest that the government do this or that, basing their opinion on some Communese statement whose true meaning is no clearer to them than it would be if it were written in Swahili.

Ideally, the press, radio and television should translate material from Communese into standard English, just as they translate from French or German into English. The reverse happens as a matter of course in the countries using Communese as their official language. If President Johnson states that the US will not abandon South Vietnam to those who would subject it to a communist dictatorship, the Communese-speaking countries will immediately translate this into their own language to read that Johnson had said that US imperialism would continue its criminal aggression in Vietnam. They have no trouble doing this, since everyone who works in the communications media in these countries is carefully trained in the art of translation into Communese. This is recognized as being an essential skill for those who are engaged in the manipulation of public opinion. Since Communese is designed to help manipulate opinion in a certain way, the translation of statements from Communese into the standard idiom is very much disliked by those who would like to see it used universally.

Under such time as our communications media decide to provide translations from Communese into English, it will be necessary for the readers to learn to do this for themselves. Fortunately, this is not too difficult. All that is necessary is to memorize some new definitions for some old words. Frequently the Communese meaning is just the opposite of the standard meaning. This is confusing, but once one gets the hang of it, it simplifies matters.

For the benefit of those who are not already familiar with the Communese vocabulary, the following are some of the more commonly used words with their English translations.

COMMUNESE-ENGLISH GLOSSARY

Aggression—defense against totalitarianism.
Bourgeoise—liberals.
Communism—Soviet totalitarianism.
Cooperation—Coerced regimentation.
Democratic—dictatorial.
Dictatorship of the proletariat—dictatorship of the totalitarian conspirators.
Emancipation—enslavement.
Enslavement—liberation.
Facism—
1. Applied to Hitler Germany, totalitarianism.
2. Applied to other countries, anti-totalitarianism.
Freedom—enslavement, elimination of freedom.
Hired slavery—free labor.
Imperialism—liberalism.
Monopolies—competitive industrial organizations in non-totalitarian states.
National liberation movements—totalitarian subversive movements in less developed countries.
Oppression—freedom.
Proletariat—totalitarian conspirators who pretend to speak for the working people.
Revolution—counter-revolution.
Social-Democrat—humanitarian socialist.
Socialism—totalitarianism, used interchangeably with communism.
Unite—liquidate opposition by terror.
Voluntarily—forcefully.
Working people—leaders of the totaliarian movement.

[From the Greeley (Colo.) Tribune, Nov. 18, 1969]

"POSITIVE PEOPLE" END CAMPAIGN—SCROLL MAILED TO NIXON

A letter is on its way to Washington, D.C., from Greeley today, the result of a drive here to show support of the Nixon Administration stand on Vietnam.

The letter was mailed by the Positive People Committee of Weld County and contained 2,301 signatures of Greeley area citizens.

The 73-foot letter also contained 19 other enclosures, mostly reprints of news stories carried in the last two weeks in the Greeley Tribune and relating to the committee, its work and observance of Veterans Day.

Committee co-chairman were Roy Colby, Colorado State College faculty member; and Robert Boren, teacher at Platteville.

The letter was addressed to President Richard Nixon and its purpose is "to inform you (Nixon) of the manner in which the citizens of Greeley and Weld County honored and showed respect to America last week."

The letter outlines the enclosures, two of which were editorials from the Tribune, one written by Sharon Haley, a student at Greeley West High School entitled, "Make Peace . . . Not Protest."

"We wish time had permitted sending more information on the activities and feelings of more of those citizens you have so aptly termed the 'silent majority,' in Weld County.

"In view of the foregoing, we believe you may agree that the silent majority—the positive people if you will—in Greeley and throughout Weld County fully support the sensible and honorable policy you are pursuing with respect to the war in Vietnam. On their behalf, we send our prayers and hopes to you for success in your difficult and thankless duties as Chief Executive of the United States of America."

Colby and Boren signed the letter as committee co-chairmen.

Dozens of volunteer workers took part in the three-day, name-collecting drive, which ended Saturday night.

Five volunteer typists then took over Sunday to transfer the names received by telephone and personal contact to the scroll.

Colby also noted that funds are urgently needed to help defray expenses of the campaign.

Contributions by check should be sent to Positive People, Box 54, Greeley.

GOODELL INQUIRES INTO THE AVAILABILITY OF ANTI-AIR POLLUTION DEVICES

Mr. GOODELL. Mr. President, I was dismayed to read in this morning's Washington Post, allegations that Ford Motor Co. and the Chrysler Corp. have been withholding from the consumers of New York and of 48 other States the advanced anti-air pollution equipment which they make available to consumers of California, under the legal requirements of that State.

It would seem, if the allegations are indeed true, that the two automobile manufacturers are more concerned with following only the letter of the law than with minimizing air pollution even when they are not legally required to.

I have sent today letters to Lynn Townsend, chairman of Chrysler Corp., and to Henry Ford II, chairman of Ford Motor Co., requesting that they verify or refute the allegations in the Post column. Should they substantially verify the allegations, I have requested that they specify what they intend to do to change the situation, to make the most advanced anti-pollution equipment available to the consumers of every State, including my own.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my letters and of the Post article.

There being no objection the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 27, 1970.

Mr. LYNN TOWNSEND,
Chairman, Chrysler Corp.
Highland Park, Mich.

DEAR MR. TOWNSEND: Jack Anderson's

"Washington Merry-Go-Round" column in yesterday's *Washington Post* alleges that Chrysler is discouraging the sale, in all states other than California, of the most advanced air pollution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, (2) that your computer system is programmed to reject automatically an order for the equipment should one come in from any of the other states, and (3) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

The column concludes that consequently, if anyone outside California walked into a Chrysler showroom and ordered a new car with the advanced equipment now required by California anti-pollution law, he would be flatly—and erroneously—told that he cannot obtain the equipment.

I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, if anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

CHARLES E. GOODELL.

FEBRUARY 27, 1970.

Mr. HENRY FORD,
Chairman, Ford Motor Co.,
Dearborn, Mich.

DEAR MR. FORD: Jack Anderson's "Washington Merry-Go-Round" column in yesterday's *Washington Post* alleges that Ford is discouraging the sale, in all states other than California, of the most advanced air pollution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, and (2) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

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I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, if anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

CHARLES E. GOODELL.

[From the Washington Post, Feb. 26, 1970]

CAR RUNAROUND

(By Jack Anderson)

If anyone outside California walked into a Ford or Chrysler showroom and ordered a new car with the advanced air pollution equipment now required by California law, he would be told he couldn't have it.

Although the devices are the best available, this column has learned that Ford and Chrysler are actively discouraging their sale outside California.

The price manuals issued by both companies to their dealers across the country state unequivocally that the special anti-pollution equipment is available on California cars only.

Furthermore, the Chrysler computer system is programmed to reject automatically an order for the equipment should one come in from one of the other 49 states.

Spokesmen for both Ford and Chrysler, nevertheless, acknowledged to this column that there was no reason why a determined buyer, willing to wait a little longer for his new car, could not obtain the special device.

Thus both companies admit they have issued false information to their dealers, which is bound to discourage the purchase of pollution-control equipment.

The equipment in question is a system which curbs pollution from the evaporation of gasoline in fuel lines, tanks or carburetors. It costs about $40.

A Ford spokesman said the company "thought it was advisable to test this system for a year to perfect the design and service techniques" before making the equipment available nationally.

He acknowledged, however, there was no doubt that the system worked effectively and he said no particular service problems had been encountered.

THE SITUATION IN LAOS

Mr. MOSS. Mr. President, like many other Americans I have become increasingly alarmed over the situation in Laos.

Once again we seem to be heading down the same tragic road of escalation. Once again both sides have broken international agreements by introducing armaments and foreign military forces into a civil war. Once again, the American Government seems to be trying to hide from the American people the extend of our involvement there. Once again press reports differ significantly from Government reports. Once again we seem to have learned very little from our past mistakes.

Before we get any deeper into the Laotian conflict, I believe the American Government should take the following actions:

First. Release the transcript of the Foreign Relations Committee hearings on the American involvement in Laos. The Russians and the North Vietnamese know what we are doing in Laos and so should the American people. If American boys are going to fight and die in Laos, it is a decision the American people should make with all the facts. As President Nixon said on November 3:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Second. Call upon Britain and the U.S.S.R., the cochairmen of the International Conference for the Settlement of the Laotian Question, to reconvene that Conference. This is the Conference that brought peace to Laos once before and it should be given a chance to do it again.

Three. Begin a process of "Laotianization" at once. If the war in Vietnam can be Vietnamized, then this same process should begin in Laos before it becomes any more difficult.

THE RIGHT OF PRIVACY

Mr. PROXMIRE. Mr. President, last year the Senate passed landmark legislation to protect consumers against arbitrary and misleading credit reports. For the first time the consumer has a legal right to learn what information is in his credit file and to correct any inaccurate or misleading statements.

Credit bureaus are also required to maintain the confidentiality of the information in their files and to furnish it only to those who have a legitimate business need for the information.

One of the most effective witnesses before the Senate Banking and Currency Committee on the fair credit reporting bill was Prof. Arthur Miller of the University of Michigan Law School. Professor Miller has recently written an excellent article in the January 4 issue of the Los Angeles Times on the need for fair credit reporting legislation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

CREDIT REPORTING AND ITS REGULATION

(By Arthur R. Miller)

In a rare display of togetherness (especially when compared to the debate over ABM and the nomination of Judge Haynsworth to the Supreme Court), the U.S. Senate recently unanimously passed the Fair Credit Reporting Act.

The bill, initiated by Sen. Proxmire (D-Wis.), requires credit bureaus "to adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance and other information," while at the same time exercising "their grave responsibilities with fairness, impartially, and a respect for the consumer's right to privacy."

Buying on credit has become an integral part of daily life in the United States; each year witnesses an increase in the number of adherents to the buy-now pay-later philisophy and a new high in the amount spent on credit purchases.

Along with this accelerating pace of credit transactions, the urbanization and mobility of the population has made it necessary for most credit grantors to base their decisions on quick access to information gathered by credit bureaus, rather than on their personal knowledge of the borrower as was true in the more halcyon days of neighborhood banks and corner grocers.

In order to obtain the benefits of the credit economy, people willingly (and often unthinkingly) supply lenders and credit bureaus with substantial quantities of personal information. To augment this data, many credit bureaus regularly comb newspapers, court records relating to the institution (but rarely the termination) of lawsuits, and other public files for bits of personal information that might be relevant to the decision about whether an individual is an acceptable credit risk.

ACCESS AND ACCURACY

In some instances this data is further supplemented with the record of a person's payment habits received from those who have granted him credit in the past, and by reports of field investigators who check on

the subject's community status. These activities and the pool of information they create pose substantial questions as to who should be permitted to have access to the data and what steps ought to be taken to insure the accuracy of credit bureau files.

The credit-reporting industry's record of protecting personal privacy has been extremely spotty. Testimony before congressional subcommittees indicates that some practices of the retail credit-reporting associations—companies that cater primarily to insurance companies and employers—are subject to sharp criticism.

In addition to the information gathering activities described above, they often engage in surveillance and rely on information and impressions obtained from third persons. The quest is for data thought to indicate whether he is a good insurance risk or would make a desirable employe—does he carouse, is he a homosexual, what is his home life like?

CONSIDERABLE DAMAGE DONE

As might be expected, these investigational reports usually contain hearsay narratives gleaned from quick interviews with neighbors, landlords, employers, and "friends" conducted by poorly paid, relatively unsophisticated, and frequently insensitive functionaries. If the episodes recounted before Congress are any indication of the degree of care being exercised by credit bureau investigators, or of their concern for privacy, it is clear that a substantial mass of dangerous and often inaccurate information has been gathered and undoubtedly is causing considerable damage to some people.

In contrast to the retail credit bureaus, the commercial credit organizations—companies primarily designed to serve credit grantors—claim to limit themselves to "hard" financial data. But there is evidence that the commercial credit bureaus have been remiss in terms of limiting access to their files.

As part of a television news report, CBS staff members created a fictitious "systems" company, which requested financial information from 20 commercial credit bureaus in various parts of the country. The letter of request simply indicated that the company was interested in extending credit to the person on whom a report was sought.

Despite the vigorous assertion by a high official of Associated Credit Bureaus of America (ACB), a nationwide organization of independent credit bureaus, that it was "impossible" to secure a report from an ACB member unless the requesting party was a "bona fide creditor," the fictitious CBS company apparently received full reports from 10 of the bureaus.

The experiment was repeated following the adoption of new ACB "Credit Bureau Guidelines to Protect Consumer Privacy," which require the signing of a contract in which the bureau's client certifies that inquiries will be made only for credit-granting purposes. Even though the CBS letter of request did not indicate that the information sought was to be used for credit-granting purposes, seven out of 28 of the second sample group of bureaus provided the information.

In both test groups some of the bureaus stated that they would furnish the information only after the systems company signed a contract with them. In one case the fictitious company did this, and the information was immediately forthcoming, despite the fact that an investigation by the bureau would have revealed that the systems company was not a bona fide credit grantor.

Even if commercial credit bureaus did limit themselves to providing bona fide creditors with information about the financial history of consumers and refrained from supplying derogatory or innuendo-filled tidbits, the problem of insuring the accuracy of the financial reports remains.

A simple notation describing the customer as "slow-pay," for example, can be extremely damaging, yet it may conceal an honest dispute in which the customer withheld payment in order to obtain the goods or services he bargained for in acceptable condition.

As one commentator has pointed out, "what may often happen, especially when hot words may be exchanged between the . . . dealer and the consumer, is that the seller may report this as simply nonpayment or slow payment. He may even take a certain amount of relish in the fact that the obnoxious lady on the telephone . . . is being fixed in the credit record . . . It is an anonymous treatment, because the reporter of the information is never accountable for it." Once an error or a misleading entry of this type finds its way into a file, it may be virtually impossible for the victim to correct or, for that matter, even to discover it.

Corrective action might be feasible in the case of a local credit bureau. However, these bureaus seem destined to suffer the fate of the whooping crane. A localized credit bureau using a manual file system is likely to be a relatively inefficient operation that will prove increasingly incapable of managing the masses of information generated by the booming credit economy. Computer technology, mated with a high-speed transmission medium, is the inevitable method of improving the system. It is not surprising, therefore, that computerized credit bureau files and national networks connecting numerous data bases whose contents will be available on a remote-access basis currently are under development.

For example, in 1965, Credit Data Corp. inaugurated a large on-line computerized credit information system in California. Two years later the company linked its Los Angeles and San Francisco offices to provide what in effect is a statewide computer credit network. That same year Credit Data opened a computerized center in New York City and plans are under way for one in Detroit. At present the company has computerized credit information on over 20 million Americans and claims to be adding files on 50,000 people each week.

TEMPTATION GREAT

The result of computerized credit information networks will be that vast stores of financial and personal data will be centralized in the hands of relatively few people. A person's position in the community may be at the mercy of those who purport to have his financial history in their data bank. Another concern raised by the trend toward computerization and concentration of credit data is that the capabilities of the new technology will encourage credit bureaus to acquire more sensitive information about individual and institutional borrowers than they have in the past.

Given the massive investment required to computerize a large credit data base and the technology's ability to manipulate bits of information in unique ways, the temptation to use the data for non-credit-granting purposes will be difficult to resist.

A detailed account of a person's financial transactions, especially when accompanied by the type of investigative information collected by some credit bureaus, makes it easy to reconstruct his habits, associations, travel, and life style. If compiled on a large group, this data can be used for a number of noncredit commercial purposes, such as generating a mailing list containing the names of consumers with certain financial or vocational characteristics who might be interested in a particular product, or rating the credit-worthiness of a list of likely prospects for the distribution of unsolicited credit cards.

SENATE SETS LIMITS

It is against this background that the Fair Credit Reporting Act emerges. As passed by the Senate it (1) defines the range of permissible purposes for which consumer reports may be used, (2) directs the deletion of certain types of obsolete information, (3) gives an individual access to substantial portions of his file, (4) requires him to be told on request who has received reports on him, and (5) makes it mandatory that he be notified when derogatory public record items are recorded and reported to others.

Should the consumer feel aggrieved by any of the information he finds in his file, procedures are available for seeking correction and resolving disputes with the bureau. As presently drafted the act also imposes limitations on the development and use of investigative reports.

One of the most salient features of Sen. Proxmire's proposal is its recognition that information handlers have been remiss in excluding the data subject from transactions involving information relating to him. By assuring the individual access to his credit file, the Fair Credit Reporting Act would provide people with a modicum of control over the flow of information about them.

Thus, unless watered down by the House, it will represent an important step toward imposing obligations on the credit bureau industry that should help achieve a balance between the need for accurate financial data to maintain the nation's flow of credit and the preservation of each citizen's right of privacy.

LITHUANIAN INDEPENDENCE

Mr. GOODELL. Mr. President, once again I wish to join my colleagues in paying tribute to a brave people who have endured hardships in the cause of freedom.

Fifty-two years ago, Lithuanian independence was proclaimed, ending more than 100 years of suffering under German and czarist Russian domination. And although the Bolshevik government which had been established in Moscow initially refused to recognize Lithuania's independence, they finally "voluntarily and forever renounce(d) all sovereign rights possessed by Russia over the Lithuanian people and their territory," in 1920.

During the next 22 years the Lithuanian people briefly enjoyed freedom under their own democratic government, and made great progress in many areas: educational facilities were expanded, progressive social and labor legislation was adopted, and marked achievements were made in literature and the fine arts.

Lithuanian independence, so hard won, was not long lasting. Soon after the outbreak of World War II, Lithuania was occupied by the Soviet Union, and then for a while she had the misfortune of being placed under Nazi rule. The Lithuanians have suffered and endured hardships and misery under this first Russian, then German, and again Russian subjugation; and still, despite the treaty of 1920, the Lithuanian people remain under Russian control. Nevertheless these brave people have continued to yearn for freedom from their oppressors, and to work for a truly independent Lithuanian state.

On the observance of this 52d anniversary of Lithuanian Independence Day, we must all hope and pray for the freedom of the Lithuanian people.

THE TRANSPACIFIC FLIGHT—AN AVIATION MILESTONE

Mr. JACKSON. Mr. President, less than 40 years ago, right here on earth, man encountered and surmounted bar-

riers comparable to this Nation's recent flight to the moon. In those days the Pacific Ocean presented a formidable barrier to those who sought to cross it nonstop by airplane. By 1931, eight attempts, all ending in failure, had been made by aviators trying to link the Americas and the Orient by air.

Then on October 3, 1931, Clyde Pangborn and Hugh Herndon II took off from Sabishiro Beach, Japan, for a grueling 41-hour flight across the Pacific Ocean. After a flight of 4,558 miles they made aviation history when they landed at Wenatchee, Wash.

Today, transpacific flights are part of normal scheduled airline service. Tomorrow, with the advent of supersonic passenger service, the historic Pangborn-Herndon flight may be duplicated in less than 3 hours. But we should not lose sight of the accomplishment of these aviation pioneers because their venture has now become commonplace.

The flight has long been commemorated in Japan by a monument, but only recently, on May 3, 1969, was similar recognition given in the United States. This marked the dedication of the Pangborn-Herndon Memorial in Wenatchee.

Recently, leading citizens and organizations in the State of Washington have written letters urging that greater recognition be made of this aviation milestone by the issuance of a special commemorative airmail stamp. The Washington State delegation, in order to express their support for this admirable project, joined today in sending a letter to the Honorable Winton M. Blount, Postmaster General of the United States, urging favorable action by the Post Office Department on the request for the stamp, and adding their personal endorsement of the proposal.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 26, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

MY DEAR MR. POSTMASTER GENERAL: In this age of man's crossing the gulf of space between the earth and moon, it is easy to forget that it was only a few short years ago that man found and conquered barriers of similar magnitude here on earth.

One such epic venture was the first nonstop crossing of the Pacific Ocean by airplane, a feat comparable to the Atlantic flight of Charles Lindbergh. Clyde Pangborn and Hugh Herndon II took off from Sabishiro Beach, Japan on October 3, 1931. Forty-one hours and thirteen minutes later, after crossing 4,558 miles of lonely ocean they landed at the Wenatchee, Washington Airport.

The flight has long been commemorated in Japan by a monument, but only recently, on May 3, 1969 was similar recognition given in the United States. This marked the dedication of the Pangborn-Herndon Memorial in Wenatchee.

We urge that further recognition of this aviation milestone be made by the issuance of a commemorative Air Mail stamp. We have enclosed letters of endorsement from leading citizens and organizations in the State of Washington, asking that such a stamp be issued. We add to them, our own personal endorsement of the proposal.

We wish to urge most strongly favorable action by the Post Office Department.

Sincerely yours,
Warren G. Magnuson, U.S. Senate, Thomas M. Pelly, Member of Congress, Julia Butler Hansen, Member of Congress, Thomas S. Foley, Member of Congress, Brock Adams, Member of Congress, Henry M. Jackson, U.S. Senate, Lloyd Meeds, Member of Congress, Catherine May, Member of Congress, Floyd V. Hicks, Member of Congress.

THE HERITAGE COMMITTEE,
Wenatchee, Wash., February 12, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: From the Northwest now comes an appeal to you for a new, commemorative Air Mail Stamp which could add color, history, and international flavor to our Nation's unique assortment.

In Wenatchee, Washington, we have a new 15-million year-old basalt monument commemorating the first non-stop transPacific flight from Japan to the U.S.A. that was made by Clyde Pangborn and Hugh Herndon II, and terminated in Wenatchee, Washington, October 5, 1931. The flight, long commemorated in Japan by a monument, stirred the nation. It made the front page of every newspaper in the world. In aviation history it is comparable to the spectacular flight of Colonel Charles Lindbergh.

Shunkichi Takeuchi, Governor of the Aomori Prefecture, heading a delegation of sixteen Japanese, came to our recent State Apple Blossom Festival here, participated in this dedication, and his party made a sizable contribution to this beautiful memorial overlooking the Wenatchee Valley.

Today, the world is flight conscious as never before. Japan is close to us in bonds of friendship and trade, especially here in the Northwest. In the U.S.A. the balance of international trade has been tipped due to burgeoning trade between Washington State and Japan. We exchange Trade Fairs and much travel.

Surely, a new stamp commemorating this historic Japan-United States inter-tie is timely, strategic, and appealing. Proudly, we enclose pictures and story, and beg your favorable consideration.

Hopefully Yours,
Dr. EVA ANDERSON,
Secretary, Chelan County Heritage Committee.

Hon. Dan Evans, Governor, Hon. Robert McDougal, State Senator, Hon. Bob Curtis State Representative, Helen Horan, President Heritage Committee, Dr. Eva Anderson, Secretary, Vada McMullan, Postmaster, Leman Johnson, Vera Weaver, Leonard Ekman, Wes Hensley, Cora Lake, Washington State Commemorative Stamp Committee.

HOUSE OF REPRESENTATIVES,
STATE OF WASHINGTON,
Olympia, December 20, 1699.

Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department
Headquarters, Washington, D.C.

DEAR MR. BLOUNT: As you are no doubt well aware, the entire State of Washington in general and in particular our North Central Washington area, is interested in obtaining authorization for an Air Mail Stamp commemorating the historic Pangborn-Herndon Trans-Pacific Flight.

We feel that such a stamp would be a proper form of recognition for these men who accomplished the first non-stop flight across the Pacific Ocean and would also be a valuable addition to the Nation's unique stamp assortment.

It is our hope that this might become a reality. Your help and cooperation in helping us secure this goal is greatly appreciated. Thank you very much.

Very truly yours,
Representative BOB CURTIS.

WASHINGTON STATE AERONAUTICS COMMISSION,
Seattle, Wash., February 13, 1969.

Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department
Headquarters, Washington, D.C.

DEAR MR. BLOUNT: A group of distinguished citizens of the State of Washington have asked me to support their efforts in seeking your authorization for a special Air Mail stamp to cemmemorate the historic Pangborn-Herndon Transpacific Flight. I trust you receive several requests of this kind and we would not ordinarily ask for such consideration. In this particular instance, however, we regard the request as very special and unique.

It is wholesome American tradition that we should honor our brave, not only because of battlefield deeds, but for other deeds as well. The history of aviation development in our country is filled with recorded acts of bravery and heroism. The Pangborn-Herndon Transpacific Flight clearly is regarded as one of the most outstanding achievements recorded in aviation history. We believe that brave and heroic achievement deserves special and unique recognition.

Please consider our request along with those from other American citizens having a deep interest in preserving the memory, honor and excitement of a remarkable flight, the Pangborn-Herndon Transpacific Flight.

Sincerely,
RONALD R. PRETTI, *Director.*

BOARD OF COUNTY COMMISSIONERS,
CHELAN COUNTY, STATE OF WASHINGTON,
Wenatchee, September 15, 1969.

WINTON M. BLOUNT,
Postmaster General, Post Office Department
Headquarters, Washington, D.C.

DEAR MR. BLOUNT: On behalf of the Chelan County Commissioners, I am writing to you requesting your consideration in obtaining an Air Mail stamp commemorating the Pangborn-Herndon Transpacific Flight.

We feel this stamp would contribute greatly towards the Industrial promotion of this area. With the air craft potential of our area steadily increasing, this stamp would be an added asset to the flight industry.

Issuance of this commemorative stamp would not only give recognition to the City of Wenatchee but also to the many citizens who have contributed to the Pangborn-Herndon Memorial.

Again, we urge your consideration in the issuance of this Air Mail stamp.

Very truly yours,
BENTON M. BANGS,
Chairman, Board of Chelan County Commissioners.

OFFICE OF THE MAYOR,
CITY OF WENATCHEE, WASH.,
February 6, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department
Headquarters, Washington, D.C.

HONORABLE SIR: Our area is very fortunate in having a very knowledgeable Heritage Committee which has been very active in perpetuating the historic and memorable events that happened in this beautiful valley in Central Washington.

As Mayor of Wenatchee I also am interested in commemorating the historic Pangborn-Herndon Transpacific Flight which terminated at the Wenachee Airport October 5, 1931.

As you know this was the first non-stop flight across the Pacific Ocean from Japan. This event contributed much to the prog-

ress of aviation and would be a valuable addition to the nation's assortment of commemorative stamps.

I urgently ask your cooperation in authorization of an air mail stamp commemorating this great historic achievement contributing to America's mastery of the air.

Very sincerely yours,

W. B. YOUNG,
Mayor, City of Wenatchee.

MERCER ISLAND, WASH.

MRS. VADA MCMULLAN,
Postmistress,
Wenatche, Wash.

DEAR MRS. MCMULLAN: Having recently learned of the proposal for a commemorative stamp marking the Pangborn-Herndon flight, may I add my recommendation that such an action be taken.

As a reporter on the Wenatchee Daily World I helped cover the landing which terminated the first non-stop flight across the Pacific. In some 27 subsequent years in the aviation business (I retired as Director of Public Relations and Advertising a few months ago), the significance of that flight became increasingly apparent. Very definitely Pangborn and Herndon first demonstrated the feasibility of the North Pacific route to the Orient.

In aviation circles the flight of Pangborn and Herndon is rated as one of the three or four most significant flights of all time—on a par with the flight of Lindbergh over the Atlantic and of Kingsford-Smith over the mid-Pacific to Australia.

With the focus of world attention soon to be on Japan and Expo-70 it would seem that a stamp marking the first demonstration of the possibility of air travel between Japan and America would be most appropriate.

Sincerely,

CARL M. CLEVELAND.

NATIONAL ASSOCIATION OF POSTMASTERS, WASHINGTON STATE CHAPTER NO. 25,
October 30, 1969.

WINTON M. BLOUNT,
Postmaster General, Post Office Department, Washington, D.C.

DEAR MR. BLOUNT: The National Association of Postmasters, Washington State Chapter No. 25 would appreciate your consideration of the authorization for an Air Mail stamp, commemorating the historic Pangborn-Herndon Transportation Flight.

The Pangborn-Herndon flight, which terminated at the Wenatchee Airport in Douglas County on October 5, 1931 put Wenatchee and the State of Washington on the front page of every major newspaper in the world that day. Japan has erected a monument marking the take-off point, and in Wenatchee they have the Pangborn-Herndon Memorial which marks the landing spot.

A commemorative stamp from Wenatchee would (1) honor these brave fliers who accomplished the first non-stop flight across the Pacific Ocean from Japan to Wenatchee, and thus contributed so much to the progress of aviation, (2) give prestige and recognition to the City of Wenatchee and the entire State of Washington, (3) be a welcome addition to the nation's unique stamp assortment.

Your cooperation and support will be most valuable to the Postmasters of the State of Washington.

Sincerely,

HELEN BRINKMAN,
President.
DAN MCLENNAN,
First Vice President.
RIVAL MOORE,
Second Vice President.
WANDA NILSON,
Third Vice President.
LUELLA HENRY,
Secretary Treasurer.

WASHINGTON FEDERATION OF REPUBLICAN WOMEN,
November 24, 1969.

Mr. WINTON BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: The Washington State Federation of Republican Women's Executive Board supports the Heritage Committee in its effort to obtain authorization for an Air Mail Stamp, commemorating the historic Pangborn-Herndon Transpacific Flight.

Sincerely,

MRS. H. MAURICE AHLQUIST,
Sec., WFRW.

CENTRAL WASHINGTON BANK,
Wenatchee, Wash., October 21, 1969.

U.S. POSTMASTER GENERAL,
Washington, D.C.

THE HONORABLE POSTMASTER GENERAL: Charles R. Lindbergh's nonstop flight across the Pacific Ocean was one of the 20th Century's great events, but equally dramatic, almost, was the Pangborn-Herndon nonstop flight across the Pacific Ocean from Japan to the United States in their wheelless monoplane.

The eyes of the entire world were on this daring achievement. Clyde Pangborn and Hugh Herndon have long since passed away, but their history-making flight is becoming more and more widely acclaimed on both sides of the Pacific now that more than a quarter of a Century has passed.

This year a fine monument was erected at the site where they landed and Japanese newspaper and government officials came to this country to officiate at the ceremonies.

Our request is that you authorize an air-mail stamp commemorating this world renowned achievement.

In many respects the Pacific Ocean is America's new frontier. This, plus Japan's forthcoming World Fair, further emphasize the timeliness of the Memorial Stamp.

Very truly yours,

KIRBY BILLINGSLEY.

RESOLUTION COMMEMORATING THE FIRST TRANS-PACIFIC NON-STOP FLIGHT

This appeal for a Commemorative Air Mail Stamp has widespread National significance and is believed worthy of consideration.

Whereas: this Trans-Pacific flight is comparable to the spectacular flight across the Atlantic of Colonel Charles Lindbergh and,

Whereas: the even has long been commemorated in Japan with a monument and recently, a monument was dedicated at the sight of landing of this history making flight in Wenatchee, Washington and,

Whereas: the International flavor will be pleasantly accepted by our Western neighbors and,

Whereas: the importance of this event is a never ending link in the progress of this flight conscious World,

Therefore; Be it resolved that District No. 10 of Chapter No. 25 of the National Association of Postmasters of the United States ask your consideration of this historical first Trans-Pacific non-stop flight of Clyde Pangborn and Hugh Herndon II and seek to authorize an Air Mail Stamp commemorating the event.

GLENN R. FREDERICKSON,
District President.
GEORGE E. WILKIN,
Secretary.

THE WENATCHEE DAILY WORLD,
Wenatchee, Wash., December 1, 1969.

Mr. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: We are interested in seeing a postage stamp, preferably air mail—to commemorate the historic Pangborn-Herndon Transpacific Flight. If possible, we would like you to authorize such a stamp.

The stamp would not only honor these two fliers, but would commemorate a historical event—the first non-stop flight across the Pacific Ocean from Japan to Wenatchee October 5, 1931. Japan has erected a monument marking the take-off point. This year a similar monument was erected near Wenatchee with 16 international officials here for the dedication.

The flight, we feel, is a landmark in aviation history. And as such, should be commemorated. Your authorization of a Pangborn-Herndon air mail stamp would be much appreciated.

Yours very truly,

WILFRED R. WOODS,
Editor and Publisher.

WENATCHEE CHAMBER OF COMMERCE,
Wenatchee, Wash., January 23, 1970.

Hon. WINTON BLOUNT,
Postmaster General of the United States, Washington, D.C.

DEAR MR. BLOUNT: The Wenatchee Chamber of Commerce is pleased to endorse the petition of the Chelan County Heritage Committee for issuance of a United States commemorative postage stamp honoring the first nonstop trans-pacific flight (Sapporo to Wenatchee) by Hugh Herndon and Clyde Pangborn in 1931.

The United States and the State of Washington will be participants in the 1970 Osaka (Japan) Worlds Fair. Noting that this nation has issued commemorative stamps in recognition of other worlds fairs in this nation and abroad, the Osaka event might well be commemorated in conjunction with this great aviation achievement shared by the United States and Japan.

Your interest in the recognition of this significant historic event will be most sincerely appreciated.

Respectfully,

D. N. GELLATLY, Jr.,
President.

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY,
Wenatchee, Wash., February 2, 1970.

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: Public Utility District No. 1 of Chelan County supports the Chelan County Heritage Committee in its efforts to obtain authorization for an Air Mail Stamp to be printed commemorating the historic Pangborn-Herndon Transpacific Flight. This first non-stop flight across the Pacific Ocean from Japan contributed much to the progress of aviation and is certainly worthy of such a commemoration.

The Japanese have erected a monument marking the take-off point of the flight in Japan and there is now a Pangborn-Herndon Memorial in Wenatchee which marks the landing spot. A commemorative stamp will further recognize and honor the magnitude of this accomplishment and the brave and daring men who carried it to completion.

We would gratefully appreciate your favorable consideration of authorization of such an Air Mail Stamp.

Sincerely yours,

HOWARD C. ELMORE,
Manager.

PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY,
East Wenatchee, Wash., February 3, 1970.

Hon. WINTON M. BLOUNT,
U.S. Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: We would like to express our enthusiastic support of an effort by the Chelan County Heritage Committee for issuance of an air mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight nearly 40 years ago.

This first non-stop flight across the Pacific

Ocean from Japan had its termination here on October 5, 1931, in a dramatic event that electrified the world. Suitable monuments have now been erected in both countries to mark the take-off and landing points of that historic flight. We join with others in seeking your favorable consideration of issuing a commemorative stamp to the event and to the memory of these intrepid fliers who gambled their lives to make aviation history.

Very truly yours,

MICHAEL DONEEN, *President.*
LLOYD MCLEAN, *Vice President.*
HOWARD PREY, *Secretary.*

NORTH CENTRAL REGIONAL LIBRARY,
Wenatchee, Wash., October 22, 1969.

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: We would like to add our pleas to those of the Chelan County Heritage Committee, in their efforts to obtain authorization for an Air-Mail stamp commemorating the Pangborn-Herndon Transpacific Flight of 1931.

Clyde Pangborn and Hugh Herndon landed at Wenatchee on October 5, 1931, after making the first non-stop flight across the Pacific Ocean. They flew from Samushiro Beach, Japan to Wenatchee, Washington in 41 hours and 13 minutes. Japan has erected a monument marking the takeoff place, and Wenatchee has erected the Pangborn-Herndon Memorial, marking the landing spot.

We feel that a commemorative stamp would indeed honor these aviators who added so much to the story of aviation.

Sincerely,

Virginia Gnagy, Kathryn Bender, Louise Mirabell, Dorothy McKenzie, Mary M. French, Mike Lynch, Carol McFarland, Annie Koinzan, Doreen Y. Purcell, Margaret Whitlock, Mary Middleton, Elizabeth Stroup, Boyden Brooks, Rowena B. Christiansen, Maxine Van Brocklin, Virginia Koon, Anna Merle Kliewer, Doris Clark, June Whipple, Dee A. Hill, Nora R. Fenton, Leeta M. Watt.

WENATCHEE, WASH., *October 16, 1969.*

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: I wish to add my support to the effort of the Chelan County Heritage Committee to obtain authorization of an Air Mail Stamp commemorating the historic Pangborn-Herndon Transpacific Flight in the early days of aviation.

It was a significant "first" in aviation, worthy of the monuments which mark the take-off and landing points and now worthy of being commemorated by the issuance of an Air Mail Stamp.

Respectfully yours,

ROBERT B. ROWE,
Architect.

CHELAN COUNTY WOMEN'S REPUBLICAN CLUB,
Wenatchee, Wash., October 15, 1969.

Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We respectfully request your earnest consideration of issuance of an Air Mail stamp, commemorating the historic Pangborn-Herndon Transpacific Flight from Tokyo, Japan to Wenatchee, Washington, U.S.A. in October of 1931.

Japan has erected a monument marking the take-off point, and Wenatchee now has a Pangborn-Herndon Memorial which marks the landing spot. A Commemorative Stamp will further recognize and honor the magnitude of the accomplishment, and the brave and daring men who accomplished the first non-stop flight across the Pacific Ocean.

This stamp would also be a valuable addition to the nation's unique stamp assortment.

Thank you for your consideration.

Sincerely,

Mrs. FRANK KUNTZ,
President.

WENATCHEE VALLEY CLINIC,
Wenatchee, Wash., October 4, 1969.

WINTON M. BLOUNT,
Postmaster General,
Post Office Headquarters,
Washington, D.C.

DEAR SIR: The Wenatchee Valley Clinic urges the Post Office Department to authorize an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

A commemorative stamp would honor these brave fliers who accomplished this first nonstop flight across the Pacific Ocean from Japan. Japan has erected a monument marking the take-off and a memorial marks the landing spot in Douglas County, State of Washington.

We urge you to consider a commemorative stamp recognizing this accomplishment.

Very truly yours,

WIN BAKER,
Business Manager.

JOINT PLANNING OFFICE,
Wenatchee, Wash., October 6, 1969.

WINTON M. BLOUNT,
Postmaster General,
Post Office Headquarters,
Washington, D.C.

DEAR SIR: The Wenatchee City Planning Commission wishes to add its support to other organizations in the area in urging the Post Office to authorize an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

Japan has erected a monument marking the take-off site and a memorial marks the landing spot in Douglas County, State of Washington. It is most fitting that a commemorative stamp be issued to honor these brave fliers who accomplished this first nonstop flight across the Pacific Ocean from Japan.

We urge you to consider a commemorative stamp recognizing this historic flight.

Very truly yours,

WIN BAKER, *Chairman.*

LION CLUB OF WENATCHEE,
Wenatchee, Wash., August 21, 1969.

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

SIR: On October 5, 1931 the termination of the Pangborn-Herndon flight, non-stop across the Pacific Ocean from Japan to Wenatchee, contributed much to the progress of aviation.

As of this date monuments have been erected marking the take-off and landing points of the fliers who accomplished this great feat.

The Wenatchee Lions Club urges you to consider the authorization of a commemorative stamp that would further recognize and honor the magnitude of this tremendous accomplishment and the brave and daring men who carried it to completion.

I would like to thank you in advance for your careful consideration of this matter.

Respectfully,

CARL FUGITT,
Wenatchee Lions Club.

NATIONAL LEAGUE OF POSTMASTERS OF THE UNITED STATES,
Silvana, Wash., September 7, 1969.

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: At a meeting of the Executive Committee of the Washington State Branch of the National League of Postmasters September 6, we voted to endorse the appeal of the Chelan County Heritage Committee for authorization for an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

We felt this to be quite a milestone in history and very worth while commemorating.

Very truly yours,

ELEANOR MONSON,
Secretary-treasurer.

WENATCHEE, WASH.,
February 2, 1970.

WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: At the regular meeting of the Wenatchee Garden Club in January 35 members present voted unanimously to support the Heritage Committee in their effort to obtain authorization for an Air Mail Stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

The Pangborn-Herndon flight which terminated at the Wenatchee Airport on October 5, 1931 put Wenatchee and the State of Washington on the front page of every major newspaper in the world that day.

Japan has erected a monument marking the take-off point and there is a Pangborn-Herndon memorial which marks the landing point.

A commemorative stamp would further recognize and honor the magnitude of this accomplishment and the brave and daring men who carried it to completion.

Very truly yours,

VERNA M. SMITH,
Secretary Wenatchee Garden Club.

ALLIED ARTS COUNCIL OF NORTH CENTRAL WASHINGTON,
Wenatchee, Wash., October 25, 1969.

Mr. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: The Heritage Committee of Wenatchee, Washington, is applying for authorization for an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific flight, which terminated in Wenatchee October 5, 1931.

This historic achievement was officially recognized in our area through the establishment of a beautiful memorial, spearheaded by the Heritage Committee, and built through the volunteer efforts of hundreds of local people. The dedication ceremony was a highlight of the Apple Blossom Festival in May of this year. Japanese representatives were present and took part in this ceremony. The memorial, located in Douglas County, is a thing of beauty, a shaft of native stone enhanced by a bird in flight, designed by Walter Graham, an artist of national renown.

We believe not only that the flight in itself is deserving of the recognition which a commemorative stamp would give it, but the impressive memorial is an eminently fitting subject and would prove to be a valuable addition to our nation's stamp assortment.

We sincerely hope that you will give serious consideration to issuing a stamp to honor the accomplishment of Pangborn and Herndon who through their accomplishment lent luster not only to Wenatchee, but to America's aviation history as well.

Yours sincerely,

Mrs. JAMES PAULY,
President.

(This marks the end of routine morning business.)

ADMINISTRATION HAS NO SPECIFIC PROGRAM TO HALT HIGH UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, contrary to their public statements, the Nixon administration has no specific plans or shelf of effective job programs to combat the major rise in unemployment projected for this year in the Nixon budget.

Key administration spokesmen have made their case in appearances before the Joint Economic Committee. On the issue of combating unemployment, they have substituted talk for action.

Expert after expert told the Joint Economic Committee that unemployment this year will rise to the 5- to 6-percent level. The budget itself projects a 4.3-percent average for the year. Since it is lower than that now, this means that unemployment will be much higher at the end of the year if the experts' projections come about.

One of the estimates was by the principal economic adviser to the President, the chairman of the economic advisers, Paul McCracken, who admitted that a 4.3-percent average would mean there would have to be a rate of at least 5 percent by the end of the year, and that would mean close to an additional 1 million Americans out of work.

When asked what they intend to do to combat high unemployment, administration spokesmen all claimed they would take action. But when pressed for specific acts we got form for substance, rhetoric instead of specific plans, and big talk to describe ineffective programs.

When asked what are the "strong measures" they say they are ready to take, the administration spokesmen told us three things, all of which are either vague or useless.

They say they would end the 75-percent cutback on Federal financing of construction. But that cutback was a feeble instrument and amounted to less than $300 million. It had no effect in halting inflation and it would obviously be useless in reversing a recession and stimulating employment. It is less than one three-thousandths part of the $985 billion gross national product.

Second, the administration spokesmen claim they would rely on action by the Federal Reserve Board. It is typical of the administration that its key plans depend on the action of an agency which is independent of the executive and whose powers to combat unemployment are weak and ineffective. Many experts characterize the Federal Reserve Board's power to reverse a recession by increasing the money supply as ineffective as "pushing on a string".

It is par for the course that the administration's key plans to fight unemployment depends on ineffective action by an agency over which they have no constitutional control.

Finally they refer vaguely to some form of "budget management," whatever that is.

This is no program at all. It is clearly all talk and no action. At best it is a series of weak and pusilanimous proposals. At worst it would be wholly ineffective. It is hardly calculated to instill confidence in the more than 700,000 workers who will be laid off in 1970.

This country needs a clearly defined shelf of specific programs to counteract unemployment if it is as large as predicted later this year. Instead we get vague promises or redundant proposals.

If we are to stop inflation and head off unemployment, we need to get ready now.

WHY DOES THE UNITED STATES NOT OUTLAW MASS MURDER?

Mr. PROXMIRE. Mr. President, in a short but poignant article appearing in the current issue of Look magazine, Arthur Morse examines why the United States has thus far failed to outlaw mass murder by ratifying the Convention on the Prevention and Punishment of the Crime of Genocide. Incidentally, this is the convention that the President, the Secretary of State, and the Attorney General just asked the Senate to act on.

Morse traces the history of the Genocide Convention and claims that lawyer Eberhard P. Deutsch is the man who for 20 years has led the successful fight against ratification. But as systematically as Deutsch built up opposition to the Genocide Convention, Morse shows that in the last few years prominent lawyers like Bruno Bitker, retired Supreme Court Justice Clark, Secretary of State William Rogers, former Chief Justice Earl Warren, Rita Hauser, and former Attorney General Nicholas Katzenbach have strongly supported ratification of the convention.

I ask unanimous consent to place the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY DOESN'T THE UNITED STATES OUTLAW MASS MURDER? THE EMOTIONAL STRUGGLE OVER SIGNING THE U.N. GENOCIDE TREATY APPROACHES A NEW CLIMAX

(By Arthur D. Morse, author of "While Six Million Died")

The apparent American massacre in Songmy, Vietnam, has been condemned around the world as genocide. On a village scale, the events in Songmy bear a terrifying similarity to Nazi mass murder—old men, women and children gunned down, hurled into ditches, blown apart by grenades. The savagery seemed intensified by a pervasive racial contempt.

But Songmy, for all its horror, was not genocide. Genocide means the systematic extermination of a national, ethnic, racial or religious group. Songmy represents a lesser magnitude of barbarity.

In spite of this distinction, the United States is uniquely vulnerable to charges of genocide. Most Americans do not realize that their country is the only major power in the United Nations that has refused to ratify the one international treaty seeking to halt mass killing—the UN Convention on the Prevention and Punishment of the Crime of Genocide.

The United States helped to steer the Genocide Convention through the UN General Assembly by unanimous vote back in 1948. But U.S. ratification requires two-thirds vote of the Senate and the President's signature. Neither has occurred. The Senate has ignored the convention ever since the Truman Administration, when it died in the Foreign Relations Committee. And Presidents Eisenhower, Kennedy and Johnson remained silent. Meanwhile, 74 nations have ratified it.

The failure of the United States to support this and other U.N. human-rights measures is largely attributable to the implacable opposition of Eberhard P. Deutsch, a 72-year-old New Orleans lawyer who has dedicated much of his career to their defeat. For many years, he was a member, then chairman, of the American Bar Association's ,ironically titled Committee for Peace and Law Through the United Nations. This committee has exerted great influence within the Bar Association and, even more important, within the Foreign Relations Committee of the United States Senate.

What does the Genocide Convention propose, and what does Eberhard Deutsch fear?

The treaty specifies five acts that, if accompanied by the intent to destroy a national, ethnic, racial or religious group, constitute the crime of genocide: killing members of a group; causing them serious bodily or mental harm; deliberately inflicting upon them conditions of life calculated to bring about their physical destruction; imposing measures to prevent births within their group, and forcibly transferring their children to another group.

The convention denies genocidists the right of political asylum. Countries ratifying the convention agree to extradite the accused for trial by a court of the nation in which the alleged genocide was committed.

If a government fails to prevent or punish genocide, another nation may bring the case before the International Court of Justice. Though the court can order the negligent country to take remedial action, it has no punitive power. To fill this void, the Genocide Convention suggests the ultimate establishment of a new international tribunal with power to punish. The creation of this court would require ratification by each nation.

Of course, the mere signing of the convention would not end the threat of genocide, but it is the essential first step under international law toward this goal. Supporters of the convention argue that its existence in the 1930's would have braked Nazi excesses or at least led to the early outlawing of Germany by the world community.

Eberhard P. Deutsch, an affable and courtly gentleman of formidable legal skills, told me he deplores the crime of genocide but that he views this and other UN human-rights conventions as subtle techniques for circumventing the United States Constitution and bringing about a "creeping international encroachment" of American institutions.

Deutsch mirrors the views of his mentor, Frank E. Holman, the late president of the American Bar Association, whom Deutsch described to me as "a reactionary and probably a John Bircher but a Rhodes Scholar and a delightful gentleman."

According to Deutsch, Article VI of the United States Constitution, which states that treaties "shall be the supreme law of the land," presents the advocates of social change with a device for bypassing Congress. He regards this as a sinister method of accomplishing, by treaty, changes that Congress would not approve as domestic legislation. He has little confidence in such decisions as the U.S. Supreme Court's 1957 ruling in the case of *Reid* vs. *Covert*, when it said: "This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty."

During the Eisenhower Administration, the Genocide Convention was plunged into obscurity by the so-called Bricker Amendment, which challenged the treaty-making power of the President. Appropriately, the architect of the Bricker Amendment was not the silver-haired Ohio Senator for whom it was named but the relentless Eberhard Deutsch.

In 1963, President Kennedy, still fearful of the states' rights issue, ignored the Genocide Convention when he urged action on three less controversial UN conventions—Slavery, the Political Rights of Women and Abolition of Forced Labor. It took the Senate Foreign Relations Committee four years to get around to them, and then it approved only the Slavery Convention. Fifty-one national organizations had banded together in support of all three conventions, but the Foreign Relations Committee once again upheld Deutsch, permitting him to testify without challenge at a separate session to which his opponents were not invited.

But there was now one sharply dissenting voice in Deutsch's own Bar Association committee. Bruno V. Bitker of Milwaukee called for passage of the three human-rights measures sent up by President Kennedy and insisted upon adding the long-neglected Genocide Convention. Bitker said, ". . . crimes against humanity are not local in nature; they must be outlawed internationally."

Deutsch has referred to Mr. Bitker as a "bleeding heart"; the "bleeding hearts" began a counterattack during 1968. This had been designated as the International Year for Human Rights, and President Johnson had established a commission for its observance. Bitker was one of its most active members and served on a bipartisan committee of distinguished lawyers, headed by retired Supreme Court Justice Tom C. Clark and including William P. Rogers, soon to be named Secretary of State by President Nixon, and John R. Stevenson, who would become Legal Adviser to the State Department under Nixon.

The lawyers' committee issued *A Report in Support of the Treatymaking Power of the United States in Human Rights Matters*, which demolished the arguments of Deutsch and his followers. The report concluded that human rights are matters of international concern and quoted Chief Justice Earl Warren: "We as a nation should have been the first to ratify the Genocide Convention. . . ."

Last year, opposition to Deutsch gained strength when President Nixon appointed Mrs. Rita E. Hauser as U.S. Representative to the UN Human Rights Commission. A dynamic young lawyer dedicated to U.S. ratification of the Genocide Convention, she is also chairman of a committee of the Bar Association's Section of Individual Rights and Responsibilities. In a strong report, this committee now recommended that the Association's ruling House of Delegates adopt a resolution favoring ratification of the Genocide Convention. Sen. J. William Fulbright, apparently as reluctant about the Genocide Convention as he is about civil rights, requires this ABA approval as a prerequisite for action by the Foreign Relations Committee, which he chairs.

As for the old Deutsch committee, it has been renamed the Committee on World Order Under Law, and he has been retired from its ranks, though retaining other Bar Association authority. The new chairman is Nicholas deB. Katzenbach, former U.S. Attorney General and Under Secretary of State. He and his committee have agreed with Mrs. Hauser's report. A third group in the Bar Association, the UN Activities Committee chaired by Robert Rosenstock of New York, also supports the Genocide Convention.

The long battle has at last reached a climax. These three recommendations by ABA committees are being presented for action to the House of Delegates meeting in Atlanta February 23–25. For the first time, Eberhard Deutsch is confronted by a determined coalition favoring the Genocide Convention. If Deutsch is defeated, it will be up to the United States Senate and President Nixon to end this nation's long isolation as the only major power that has not gone on record against mass murder.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, a motion will be made shortly to recess. However, before that motion is made, I would ask the Chair, for the information of Senators, what the pending business is.

The PRESIDING OFFICER. The pending business is the HEW appropriation bill, and the pending question is on the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. BYRD of West Virginia. I thank the Chair.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I state the following fact for the information of Senators. It is by way of a recapitulation of the orders secured by the majority leader for tomorrow.

Mr. President, the Senate will shortly recess until 10 o'clock tomorrow morning under the previous order. Immediately upon the completion of the prayer and the disposition of the reading of the Journal on tomorrow, there will be a brief period for the transaction of routine morning business, not to exceed 15 minutes.

Following the period for the transaction of routine business, I presume there will be a short quorum, and, Mr. President, there will then be a vote on treaty, Executive A, intellectual and industrial property conventions, which will occur at 10:20 tomorrow morning under the previous order.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BYRD of West Virginia. Mr. President, when the treaty is laid before the Senate, it will become the pending business, at which time the Pastore rule will become operative for the next 3 hours.

Orders have been granted on various amendments. There will be 4 hours on the amendment offered by the distinguished Senator from Maryland (Mr. MATHIAS) to section 408 of the bill, to be equally divided; 1 hour to be equally divided, on the amendment to section 409; 2 hours on the amendment to section 410, to be equally divided; 2 hours on the amendment affecting impacted areas to be offered by the Senator from Virginia (Mr. SPONG) and/or the Senator from Nebraska (Mr. HRUSKA), to be equally divided; and 4 hours on the bill, to be equally divided; with the agreement that on all other amendments there will be 1 hour to be equally divided.

And on all amendments to the aforementioned amendments, substitutes, or motions, with the exception of a motion to table, there will be 30 minutes to be equally divided.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow Senators may make statements, not to exceed 3 minutes, during the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTES TOMORROW

Mr. BYRD of West Virginia. There will be votes tomorrow. Again, the first vote will be 10:20 p.m. and all Senators are put on notice.

I repeat, the morning business will be for not to exceed 15 minutes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 30 minutes p.m.) the Senate took a recess until tomorrow, Saturday, February 28, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 26), 1970:

DIPLOMATIC AND FOREIGN SERVICE

William C. Burdette, of Georgia, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Clarence Clyde Ferguson, Jr., of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

PATENT OFFICE

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents, vice Edwin L. Reynolds, resigned.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be commanders

Archibald J. Patrick
Bruce I. Williams
William R. Curtis
R. Lawrence Swanson
James Collins
Robert A. Trauschke
Francis D. Moran

To be lieutenant commanders

Richard V. O'Connell
Walter S. Simmons
John P. Vandermeulen
George C. Chappell
Theodore Wyzewski
Merritt N. Walter
Kenneth F. Burke
Fidel T. Smith

To be lieutenants

Hugh B. Milburn	John E. Colt
Dennis L. Graves	Gerald W. McGill
James M. McClelland	William B. Knight, Jr.
John C. Veselenak	Charles L. Hardt
Brent H. Traughber	Roderick S. Patwell

To be lieutenants (junior grade)

Glenn H. Endrud	Glenn M. Garte
John H. Snooks	Melvyn C. Grunthal
James P. Travers	Lawrence C. Hall
Douglas F. Jones	William D. Neff
Kenneth W. Sigley	V. Kenneth Leonard, Jr.
Efrem R. Krisher	
Gordon F. Tornberg	Douglas A. Danner
Thomas C. Howell III	John J. Lenart
David M. Chambers	Stephen A. Foster
Richard S. Young	Gregory R. Gillen
Bruce W. Fisher	William R. Daniels
Ted G. Hetu	Lynn T. Gillman
Michael Kawka	Floyd Childress II
Michael J. Moorman	Charles N. Whitaker
Philip D. Hitch	Robert V. Smart
Clarence W. Tignor	Jonathan R. Carr

To be ensigns

Stephen E. Anderly	Ronald L. Gester
John R. Annett	Thomas M. Goforth
Archibald C. Davis III	Howard W. Herz
George C. Fuller	
William M. Hornick, Jr.	John D. Busman
Wayne A. Hoyle	Roger J. DeVivo
Robert L. Johnson	Robert M. Dixon
Raymond Louis	Donald A. Drake
Stewart McGee, Jr.	Stephen M. Dunn
Donald W. Nostrant	Dale M. Hodges
Harvey L. Parry, Jr.	Lewis A. Lapine
Raymond W. Reilly	Gregory L. Miller
Robert C. Roush	Carl F. Peters II
Robert W. Rushing	William G. Pichel
Stephen C. Schwartz	John L. Robbins
Ronald J. Smolowitz	Dean R. Seidel
William A. Viertel	Thomas W. Richards
	Lester B. Smith, Jr.

EXTENSIONS OF REMARKS

PRAYER IN THE PUBLIC SCHOOL

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MESKILL. Mr. Speaker, I would like to devote a few minutes to the discussion of public prayer. I believe a basic statement dealing with some of the most frequent objections to a public prayer amendment will be useful to the debate on this subject.

Mr. Speaker, what happened which makes a peoples' amendment for public prayer necessary?

On June 25, 1962, the Supreme Court said, without citing any precedent, that the following prayer freely recited by pupils and teachers in New York State public schools was unconstitutional:

> Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country.

On June 17, 1963, the Supreme Court banned the Lord's Prayer and Bible reading from the schools of Maryland and Pennsylvania though in both instances recitation had been by statute free.

The only effective way to reverse a precedent-making decision by the Supreme Court is through a carefully worded constitutional amendment. This we propose.

What did the Court really do?

As in all Court decisions there are brave and good words here. What is important, however, is not the incidental remarks but the deed of the decisions. President Abraham Lincoln had once commented on the Dred Scott decision—

> When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity.

Such is the case here. In its first decision, the Court equated "establishment" with public reverence, whether free or not, whether institutional or not, whether sectarian or not. In its second decision, the Court said that even to question the historic validity of this equation was "of value only as academic exercises." Inserted into such an equation, despite the Court's occasional assurance to the contrary, all practices of public reverence among us must fall. This, in fact, is what the Court did. The fight for a peoples' amendment for public prayer is, thus, a fight to eradicate what we have called the fatal equation. Much more is involved here than the prayer alone.

Are we attacking the Court?

We attack the integrity neither of the persons nor the institution of the Court as then constituted. Simply, following in the steps of Abraham Lincoln and many others, we seriously question the traditional, historic, and legal validity of its prayer-ban decisions.

What, then, is really at stake here?

First and foremost, return of the civil right of free public prayer to the classroom. Second, a process of creeping secularism which, unless now radically checked, could continue to wipe out one by one all other practices of public reverence among us. Examples: attack on the Christmas prayer of the astronauts, 1968, on the pageant of peace near the White House, 1969, on other spiritual exercises in public schools. By forcing the issue of free school prayer, we ask the American people to reflect again on the role of God in their midst, to examine the national conscience again. This could be the critical beginning in a great grassroots effort to make America again a Nation on its knees. Fourth, to reaffirm the democratic process in which the will of the vast majority of our people determines the law under which we shall live.

Some say we can still teach about religion in public schools. Is this true?

Religion is more than dates and pictures and which Pope ruled when and who reformed what. Religion is essentially affective, the up-reach of the spirit toward a concerned God. Religion, stripped of affection and spirit, is not religion at all. Teaching about religion may be useful. It cannot suffice. Besides any surviving religion in public schools, while it may last for a time, will most surely be subject to attack by the same intolerant few who succeeded in having the prayer-ban decisions handed down. Besides, to accept teaching about religion in place of the civil right of free school prayer does absolutely nothing to erase the fatal precedent now placed by the two prayer-ban decisions.

What about substitutions for prayer in the public schools, such as meditation, classes in comparative religion, God sandwiched between Buddha and Einstein in a series of morning exercises?

The same argument holds as in the paragraph above. Many proposed substitutions are not religion at all. Meditation, of course, is better than nothing. A silent God is better than no God. But since when can little children effectively meditate? Why must God be quiet when He enters a school? Besides, silent meditation by its very nature is individual. It does nothing to fulfill the purpose accomplished by the beautiful brotherhood of free prayer with which most of our school districts began the school day for many decades prior to the prayer-ban decisions. In any case, no substitute would do anything to remove the fatal precedent of the prayer-ban decisions. Those who use the argument from substitution to oppose a prayer amendment—and most substitutors do not support an amendment—are, quite frankly, our foes just as much as those who want all religion removed from the public classroom. They fail to see, honestly or dishonestly, that by accepting a substitute they are permitting a cancer to remain and grow while applying salve to the external wound. All effective substitutes are susceptible to attack from the same kind of intolerant few who secured the prayer-ban in the first place. What is necessary is that a peoples' amendment for public prayer be written into the Constitution and then further thought be given to the whole matter of religion and morality in education, not vice versa.

Why should we tamper with the first amendment?

The first amendment has already been tampered with by the Court. We propose simply to restore it to its original and traditional meaning. Senate Joint Resolution 6, a sample of possible prayer amendment wording, reads:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Would not a "sense of the Senate resolution" be enough?

There are some Congressmen who may be using this device honestly. We cannot help but feel, however, that many are using it dishonestly. A sense of the Senate resolution would change nothing whatsoever. Only a carefully worded amendment will accomplish what must be done—namely, a fundamental reversal of the two prayer-ban decisions.

Suppose the Court in fact accurately interpreted the words of the first amendment?

Even if this were true—and it is not—

still our case remains. The people must not be made prisoners of words which do not say what they clearly wish the amendment to say.

Does not religion belong rather in home and church than in school?

Religion belongs everywhere in the life of a reverent republic. We do not, certainly, strengthen religion in the heads and hearts of children by wiping it off their lips in the place where they begin to learn the arts and sciences of life together. A God reduced to purely private dimensions is wholly foreign to the religious traditions of the Nation.

Whose prayer would be used in public schools if an amendment passes?

For generations, with a maximum of good sense and a minimum of error, the American people had free prayer in their public schools. There is no reason why this cannot again be accomplished, and particularly in this new era of enlightened relations between all religions among us. As in all such delicate matters, the question can and will be adjudicated in each school district. Should any one of these districts be so callous and so foolish as to institute a sectarian prayer, recourse would still lie with the courts.

What about minority rights and tolerance?

Tolerance is a two-way street. So long as his rights to silence or abstention are recognized the dissenting child can do one of two things. He can deny others their rights by loudly demanding his selfish privilege, or he can refrain from participation recognizing in the process that others think differently than he and respecting their rights to do so. This is a perfect preparation for citizenship in a pluralistic society in which, often, delicate decisions have to be made in which there are majorities and minorities. The dissenter must always be free in his conscience, no pressure must be put on him to conform. But to suggest that this entitles him to deny the great majority the right to do what they feel in their consciences they should do is a travesty of the democratic process. A responsible pluralism in this, as in similar matters, is the very basis of our way of life together.

Is common prayer not in fact harmful to real religion?

By no means. True some children mumbled the morning prayer, but some children sing "The Star-Spangled Banner" badly and some look out the window while reciting "The Gettysburg Address." This is no reason for abolishing the practice. What a magnificent experience, the children who have attended no religious exercise on the weekend or who have gone to various temples and churches on different days during that weekend come together on Monday and find common words to say to a common, though differently experienced father. Who shall say that this experience is not meaningful?

How will the prayer-ban decisions affect other church-state cases?

Once the first amendment has been fundamentally misinterpreted, it is clear that all other cases arising under it will be tainted by that misinterpretation. Make no mistake, the prayer-ban decisions are not dead but living. They will rise in case after case to affect the outcome.

What connection is there between the prayer-ban decisions and national sanity?

We cannot, nor do we, contend that all the tragic occurrences in the United States since 1962 can be traced back to the prayer-ban decisions. We do suggest a serious decline in morality among us. We do point to anarchy, arrogance, crime increase, oversexism, and all the rest. We do say that the prospect of making America again a nation on its knees through a prayer amendment might do much to reverse the national moral crisis.

ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. REID of New York. Mr. Speaker, as my colleagues will remember, the distinguished gentleman from New York (Mr. WOLFF) and I recently cosponsored a hearing on atomic energy and the environment in New York City. I would like to include in today's RECORD three additional statements from that hearing, which took place February 6. The statements were delivered at the hearing by Dr. Victor Bond, associate director of Brookhaven National Laboratory; Mr. Martin Goldstein, a consulting engineer planner from White Plains, N.Y.; and Mrs. Milton Kurtz of the Citizens League for Education about Nuclear Energy, New Rochelle, N.Y.

The material follows:

RADIATION HAZARDS FROM REACTORS*

(By V. P. Bond, M.D.)

BIOGRAPHICAL SKETCH—VICTOR P. BOND

1. *Born*: Santa Clara, California, 30 November 1919.

2. *Education:* University of California, Berkeley, A.B., 1943; University of California, San Francisco, M.D., 1946; University of California, Berkeley, Ph.D. in Medical Physics, 1952.

3. *Positions:* Head, Experimental Pathology Branch, U.S. Naval Radiological Defense Laboratory, San Francisco, California, 1948–1954; Scientist, Medical Research Center, Brookhaven National Laboratory, Upton, New York, 1955–1957; Head, Division of Microbiology, Medical Research Center, Brookhaven National Laboratory, 1957–1962; Chairman, Medical Department, Brookhaven National Laboratory, 1962–April '67; Associate Director, Life Sciences and Chemistry, Brookhaven National Laboratory, April 1967 to present.

4. *Military:* Medical Officer, U.S. Navy, 1945–1954; Highest rank, Lt. M.C., USN; Present: Capt., M.C., USNR–R.

5. *Fields of Interest*: Medicine, radiation biology, radiotherapy, nuclear medicine.

6. *Other Activities and Information:* Participant and project officer in biological work involving field testing of nuclear devices; deputy director of the medical team that cared for the Marshallese following exposure to fallout radiation.

Former member of the National Advisory Committee on Radiation; Subcommittee on Hematology of the NAS–NRC Committee to Investigate the Effects of Atomic Radiation; Subcommittee on Radiological Dosimetry, ICRU; Ad Hoc Committee on RBE, of the ICRP and ICRU; Armed Forces Panel on Radiological Instruments; Scientific Advisory Board, USAF; Chairman, Radiation Study Section, National Institutes of Health; Director, Commission on Radiation Infection, AFEB; Chairman, Radiation Bio-Effects Advisory Committee for the Division of Radiological Health (Department of Health, Education and Welfare); Member, Aeromedical Task Force, National Aeronautics and Space Administration.

7. *Present member of:* Chairman, Subcommittee M–4 of the National Council on Radiation Protection, on Relative Biological Effectiveness; Chairman, Subcommittee on Radiobiology of the Committee on Nuclear Science (National Academy of Science); Member, Commission on Epidemiological Survey (Armed Forces Epidemiological Board, Department of Defense); Member, Committee on Radiobiology, American College of Radiology; Member, Standing Committee for Radiation Bio-Aspects of the SST, Federal Aviation Administration; Member, Radioactive Pharmaceuticals Advisory Committee, Federal Drug Administration; Member of Board of Directors, National Commission on Radiation Protection and Measurements; Member Space Radiation Study Panel, Space Science Board, NAS–NRC; Consultant, Public Health Service, Dept. of Health, Education and Welfare; Consultant, Defense Atomic Support Agency.

8. *Professional Organizations:* American Physiological Society, New York Academy of Sciences, Radiation Research Society, Sigma Xi, American Association for the Advancement of Science, Society of Experimental Biology and Medicine, Society of Nuclear Medicine, International Society of Hematology.

9. *Publications:* Over 200 scientific papers on the effects of radiation.

SUMMARY

1. Thank you for the opportunity to appear before this group. I do not speak today for any group or organization, but only as a private citizen, physician and scientist.

2. Generation of electrical power, by any means presently available, entails certain undesirable features including the utilization of real estate, the construction of power lines and the production of waste heat. Current conventional power plants give off large amounts of smoke and waste heat, as well as small amounts of radioactivity. Nuclear power reactors emit no smoke but do give off waste heat and small amounts of radioactivity. Thus, if we wish additional electrical power, the choice rests largely on an evaluation of which type of power generation will involve the least amount of undesirable effects on man and his environment.

3. The present remarks are addressed principally to potential radiation hazards from nuclear power plants such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population, from nuclear power plants, would be exceedingly small, and does not constitute a compelling reason for discouraging the construction of such plants.

4. The amounts of radioactivity released from reactors, and the dose of radiation received by the public, are controlled such that they do not exceed, and usually are considerably below recognized limits established by national and international groups of knowledgeable and independent experts.

5. The isotopes of principal concern from nuclear reactors are tritium and krypton–85. This does not imply that other isotopes are not considered in detail, but only that the total quantities of these isotopes are so small as to be of much less importance. Careful measurements and analyses of radioactivity in the environment are routinely performed to assure that this condition prevails. The question of biological reconcentration is specifically taken into account.

*Prepared for Public Hearings held by Congressmen O. R. Reid, L.L. Wolff and J. P. Addabbo, "Atomic Energy Plants and their Effects on the Environment", New York City, 6 February 1970.

For example, the AEC release concentration limits for iodine are additionally restrictive by a factor of 700 to take reconcentration into account.

6. With respect to the dose received from tritium by populations near the Long Island Sound, a good approximation of the amount to be expected from a single reactor can be obtained from calculations made in connection with the Calvert Cliffs reactor on the Chesapeake Bay (PWR, 2700 megawatts thermal). The dose to an individual, if all of his food and water were obtained from the bay, would not exceed 0.004 millirem per year, or about 1/40,000th of natural background exposure. With 5 or even 100 reactors of this size on the Sound, the total dose would still be less than 1 millirem per year, much less than an individual might receive from his color television set. The figures given are conservative upper limits. The doses to individuals in the local population from krypton–85 would be similarly negligible.

7. With respect to future nuclear power production in the country as a whole, the possible genetic effects, which are related to the average population dose to the reproductive organs, are of most significance. The projected average dose of genetic significance, to the entire population, by the year 2000 from tritium is approximately 0.001 millirem per year. The corresponding dose from krypton–85 would be a very small fraction of that from tritium. These very small values, of the order of 0.001 millirem per year, must be put into proper perspective relative to the population guide of 170 millirem per year, by comparing them with the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane, the approximately 5 millirem that may be received per year from watching color television, the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 50 millirem per year from diagnostic medical exposure, the 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

8. Seeking to bar nuclear power on the basis of the 0.001 millirem that one may receive in addition to the 150 or so millirem that he inescapably receives from natural background, can be likened to tying up in court an inheritance of $150,000 because the actual amount is $1.00 short of $150,000.

9. With respect to ecological systems, the following can be said. The radiation guide of 170 millirem per year relates, of course, to exposure of human beings. Animals and plants are generally much more resistant than man. Thus, if the radiation guides are adjudged to be proper for man, then clearly there will be no significant or even detectable effect of such low-level exposure on animals and plants in the environment. This view in general is shared by Dr. George Woodwell, Senior Ecologist at the Brookhaven National Laboratory, by Dr. Stanley Auerbach, Senior Ecologist at the Oak Ridge National Laboratory, and by other leading ecologists who have worked directly with radiation effects in ecological systems.

10. To gain the advantages of nuclear or any other kind of power, one must accept and cope with certain problems such as siting, heat, power transmission, etc. The one problem that has been identified (but not correctly so) as being unique to nuclear power is radioactivity. As indicated above, radioactivity releases pose a relatively minor problem which constitutes no significant health hazard. I agree completely with the recent statement of Dr. K. Z. Morgan, who has been one of the most severe critics of unnecessary radiation exposure. The quote (1) is as follows: "I believe the contribution to the total population dose by the nuclear power industry can always be maintained at a very small fraction of 170 millirem per year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil fuel power industry operating at the same capacity."

11. Finally, I shall close with a quote from the report of the Governor of Maryland's Task Force on Nuclear Power Plants. This is of particular significance, because this group of citizens reviewed the mass of material discussed and written in connection with the Calvert Cliffs nuclear power plant on Chesapeake Bay, a situation broadly analogous to that of Long Island Sound. A major conclusion is as follows, "Based upon careful consideration of available evidence, the task force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

Radiation Hazards From Reactors

(By V. P. Bond)

The present remarks are addressed principally to potential radiation hazards from nuclear power plants, such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population from nuclear power plants would be exceedingly small, and that potential radiation hazards do not present a compelling reason for discouraging the construction of such pl nts.

(In reaching this conclusion, however, I do not wish to imply that I advocate indiscriminate release of radioactivity into the environment.)

Exposure limits; how they are established

The amount of radiation of radiation allowed to be released from reactors is regulated by the AEC 2, such that the amount of exposure that man receives will not exceed standards or limits that have been established for human populations. The basic standards, contrary to widespread belief, were set not by the AEC, but by knowledgeable, independent individuals and groups who have reviewed and continue to review a multitude of data on radiation effects. Specifically, the groups are the National Council on Radiation Protection and Measurements (NCRP), the Federal Radiation Council (FRC), and the International Commission on Radiation Protection (ICRP). The United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) also periodically reviews pertinent data in a comprehensive fashion, and this information is considered carefully by the NCRP–FRC–ICRP.

The standards for radiation exposure, as recommended by the NCRP–FRC–ICRP are generally accepted as authoritative, and are used in the same manner as are standards issued by analagous disinterested scientific groups for drug purity, food purity, the amounts of certain chemicals that can be contained in foods, etc., etc. The radiation standards apply not only to reactor effluents, but also to radiation from all man-made sources (except medical exposure). Basic standards were in fact established long before the AEC and reactors came into existence.

Radiation exposure limits for the general population were set on the basis of possible genetic damage since this is the potential effect of most importance when very large groups are exposed. It is the average exposure that is of significance in this regard, and this exposure limit is 170 millirem per year.

Estimated radiation exposure of the population

The isotopes from nuclear reactors that are of principal concern are tritium and krypton-85 (see below). With respect to tritium, the projected average dose to the population by the year 2000 is 0.001 millirem per year,[3] and the dose to the bone marrow and reproductive organs from krypton-85 would be a very small fraction of that from tritium. These values, of the order of 0.001 millirem per year, must be put in proper perspective by comparing them to the population guide of 170 millirem per year, the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane; the approximately 5 millirem that may be received per year from watching color television; the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

The potential hazards of the radiations from tritium and of Kr^{85} are estimated basically, as in the case of any ionizing radiation, in terms of the absorbed dose (energy absorbed per gram of tissue, expressed in units of rads). Maximum permissible "doses," or MPD's (more precisely, maximum permissible dose equivalents) are expressed in terms of rem. With respect to exposure to tritium in the environment, a number of factors must be examined in evaluating its toxicity. How long does tritium remain in the body? Should a concentration factor be employed in determining absorbed dose to tissues from the tritium concentration in the environment (or in body fluids)? Is the tritium beta ray more or less effective than other radiations? Does the fact that tritium may be incorporated into biological molecules result in significant added effects? I have examined these and other factors in detail[3 4], in the light of studies at Brookhaven and extensive investigations reported in the literature.

The conclusion is reached that these factors do not significantly increase (and may decrease by a sizable factor) the dose that is calculated on the basis of a given concentration of tritium in the environment. A given dose of radiation from the beta rays of tritium (from either inhalation or ingestion) has the same radiobiological and radiation-protection meaning as the same dose from x-rays or gamma rays (same dose rate pattern) and no added significance or potential hazard is to be attached by virtue of the fact that the dose may have derived from tritium.

In a similar manner, I have considered the potential hazards of radiation from Kr^{85} in the environment. No special dosimetric or other problems similar to those discussed above for tritium appear to be involved. Krypton-85 is a noble gas, which does not interact to any significant extent with chemical or biochemical molecules. Thus the problem with this isotope is one of "submersion", in which most of the exposure is to the skin, and is derived from krypton in the air. This is in contrast to isotopes such as strontium-90 in which the isotope enters the body and may localize in certain tissues such as bone. Doses of krypton-85, as calculated from NCRP-ICRP formulae are mainly to the skin. Krypton-85 is essentially a beta emitter, i.e. the radiation does not penetrate deeply, and organs below the skin receive virtually no exposure. Thus the dose to the bone marrow and the reproductive organs, considered to be the most "critical" with respect to radiation protection, receive

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Footnotes at end of speech.

a very small fraction (less than one-thousandth) of that received by the relatively radioresistant skin. The dose to the lung from inspired krypton-85 may be comparable to that of the skin; however, the lung is considered also to be one of the more radioresistant organs. The lungs of individuals living in brick or concrete structures may receive from 125 to 1570 millirem per year from radon given off by building stuctures.[5] These doses may be compared to 2 or 3 millirem per year that skin and lung might conceivably receive from krypton-85 from reactors by the year 2000.[6] On these bases, the radiation guides for krypton-85 represent a very conservative estimate of the degree of potential hazard and this isotope poses no significant health hazard.

Isotopes other than tritium and Kr-85 are of course released from power reactors; however, careful measurements have shown that the total quantities are so small as to make them of far less significance. The short physical half lives of many isotopes essentially eliminate them from serious consideration. Dilution factors in large bodies of water are enormous; thus even including biological reconcentration, the amounts of radioactivity an individual would receive if he derived his entire food and water intake from that body of water would be small indeed. The NCRP–FRC–ICRP are well aware of biological reconcentration, and factors to take this into account are provided, e.g. a factor of 700 is provided for iodine[2 7]. The question of multiple sources of radiation exposure, either from different isotopes from a single source, different routes of administration (e.g., water, food, air), or multiple sources (e.g., several reactors on Long Island Sound) must be considered. It is a general principal of radiation protection, clearly stated [8], that all manmade radiations (or radioactive isotopes) from all sources must be considered in evaluating total exposure. For instance, limits for tritium in water are made restrictive by a factor of two, on the assumption that approximately one-half of one's total tritium intake may come from food [8]. It is clearly stated that in situations in which intake patterns may be more complex, the total intake must be taken into account [8]. With respect to multiple reactors, AEC regulations state explicitly that effluents from reactors may be further restricted, should the intake by individuals be likely to exceed one-third of the maximum permissible limit [2 7].

Plants and animals, and ecological systems in general, are much more resistant to radiation than is man. Thus radiation standards adjudged to be safe for man will not harm the environment. To quote Dr. Woodwell, a well-known ecologist who has spoken out vigorously against man's desecration of his environment, "If man is protected from this (radiation) hazard, levels of man-made radiation in nature will almost certainly be so low as to have no significant effects on other organisms, ..." [9] In extensive studies with a "gamma forest" at Brookhaven National Laboratory, Dr. Woodwell has been able to observe effects on flora and fauna rather easily at dose rates of 0.5 rads/day (about 180,000 mrads/year) and above. He doubts that very extensive and detailed studies would reveal an effect on the overall ecology at dose rates below 0.05 rads/day (18,000 mrads/year).

With respect to possible radiation hazards from nuclear power production, two quotes from remarks made by Dr. K. Z. Morgan, who has been particularly concerned about radiation exposure of the population, are pertinent. He stated: [1] "I believe the contribution to the total population dose by the nuclear power industry can always be maintained at a very small fraction of 170 mrem/year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil fuel power industry operating at the same capacity," and [1] "It seems that the public concern for a problem varies directly with the knowledge and understanding that has been accumulated about the problem (i.e. more concern about radiation hazards than chemical hazards) and inversely with the magnitude of the problem (i.e. more concern about the fraction of 1 millirem per year from the nuclear power industry and all the AEC operations than about the 55 millirem per year from medical diagnosis)."

RADIOACTIVE AND OTHER EFFLUENTS FROM CONVENTIONAL V. NUCLEAR POWER PLANTS

A comparison of the radioactive effluents from conventional vs. nuclear power plants of the boiling water (BWR) and the pressurized water (PWR) types have recently been published.[10] Comparisons are difficult, and the relative significance assigned to the effluents will depend on a number of factors including how one evaluates the relative importance of exposure of different organs (radioactive effluents from coal-burning plants are in general "bone seekers"; Kr-85 from reactors exposes principally the skin; the dose to the reproductive organs from either is relatively extremely small). As evaluated in the report (effluents from either coal-burning or nuclear power plants were concluded to be well below FRC guides), noble gases from a BWR can produce more radiation exposure than an older coal plant; however the coal plant produces more exposure than does a PWR.

As contrasted to possible harm from the low doses and dose rates of radiation from nuclear reactors, which is not detectable and can be postulated only theoretically, damage from the effluents emitted in the smoke from conventional industrial plants is real and easily seen. Plant life in the immediate vicinity may show obvious damage. Hundreds of people have died in London from smog; a particularly bad situation was encountered in 1952. Many people died in Donora, Pennsylvania, in 1949 as a result of air pollution and smog.

ADEQUACY OF RADIATION STANDARDS

Nuclear power reactors have been and are being built and operated. It is clear from the operating experience that the rates of radioactivity release from them are well within the permissible limits which are based on radiation standards. As a matter of fact, in most cases the radioactivity given off represents only a few percent of these limits.

Recently questions have been raised with respect to the adequacy of exposure standards. It would appear to me that if the standards are to be questioned at all, it should be for only one of two reasons.

1. That new data may have become available since the exposure standards were established.

2. That the exposure limits as set by these knowledgable groups were not sufficiently restrictive at the time they were established.

If the first is true, then of course the standards should and must be changed. If the second is true, we are questioning the judgment of the expert groups who set up the standards. These judgments and the resulting standards are vitally important and should be discussed, particularly today with a more scientifically informed populace. However, we should all agree that the established standards ought not to be altered unless there are well founded reasons for doing so, arrived at after careful study and understanding of this complicated subject. If we are not going to accept the collective judgment of the experts, the grounds must be very firm. Changes should not be made capriciously or arbitrarily.

With this in mind, let us examine further the two possible reasons for questioning the standards. The first is, have new data become available recently of which the knowledgable groups were unaware when the standards were established? I have listened to, and read with great care, the arguments and data put forth by those claiming that the hazards due to radiations from power reactors have been underestimated and that limits should therefore be made more restrictive. For instance, some have said that tritium is far more hazardous than represented by the standards groups, when actually it is no more hazardous than any other isotope. I have found no new data on the toxicity of individual nuclides or new arguments presented about radiation effects that are substantially different from the information that was in the hands of the knowledgable groups, and weighed by them, when they established the standards. In my best judgment, therefore, the standards today are as valid as they were when they were established.

Now let us examine the second reason. Were the standards "safe" enough in the first place? I should like to make several points in this respect. In doing so, I wish only to place possible hazards in perspective and not to attempt to discount them.

1. Let me reiterate that the basic limits were established *not* by the AEC but by national and international bodies of dedicated individuals who examined all available data. May I reemphasize that these were *independent*, knowledgeable and conscientious individuals who took their job seriously who were not only responsible to their own conscience but to all of mankind. They were not responsible to any industrial or government organization.

2. The limits set up are openly stated to be on the conservative side. Because the expert groups were deeply concerned about preventing harm to human beings or to the environment, they took a very deliberately conservative view in arriving at the limits. Had they dealt with "averages" or with "best estimates", the limits would be considerably more relaxed than they are now.

As an example of how conservative the estimates are, let state that recently a dose rate factor has been shown to exist for genetic effects that would argue in favor of relaxing or raising the population limits by a factor of 6 or more. The limits, however, have not been increased.

3. There is no question that radiation at high doses produces serious damage both to the indivdual exposed and to his offspring. At lower doses, however, it has not been possible to detect any effects in the largest populations it has been practicable to study. The exposure limits for the population are several hundred times below the figures for which firm incidence figures for man exist. Thus the need for extrapolation from known degrees of effect at high doses to postulate possible effects at low doses. The NCRP–FRC–ICRP have adopted the conservative *working hypothesis* that there may be some very small incidence of effects at low doses and dose rates commensurate with radiation protection standards, with the full knowledge that this is an assumption that lacks experimental verification.

4. The fact that precise figures for the incidence of effects at low radiation doses do not exist has been widely misinterpreted as representing some tremendous void in our knowledge and some great unknown that may result in widespread unanticipated damage to human beings and other organisms. Nothing could be further from the truth. Why don't such data exist at low doses? The answer is simple. The incidence of effect is so low, that it hasn't been detected even in very large populations, and in some cases the evidence indicates strongly that there is zero effect at these low doses. I can make the flat statement that no serious damage to human beings or other organisms has ever been demonstrated to be the result of the low doses (and dose rates) established as limits for the general population. In fact, some efforts to show such effects at low doses and dose rates have resulted in quite the reverse.

Footnotes at end of speech.

In several separate studies,[11-15] animals have actually lived longer when exposed to relatively low doses and dose rates, than have the unirradiated controls. Thus, the reason for lack of precise figures for the incidence of effect at low doses does not mean that effects haven't been looked for, or that some vast unknown exists in terms of potential damage. It is simply that the incidence of effect, if there is any, is so low that, as I have indicated, it hasn't been detected even in very large populations.

5. The hypothesis that any amount of radiation, no matter how small, is potentially harmful, has given rise to a great deal of unfounded concern. Actually the hypothesis is that there is no threshold for radiation effects, and that the relationship of effect to dose observed at high doses is linear with decreasing doses. Much is inferred from this in terms of radiation being in this way different from other hazards; that because of this we should be unusually concerned with low doses of radiation, and that radiation should be treated uniquely among the many hazards to which we are exposed. I should like to make the stroong point that radiation is *not* unique in this respect. To see this point, let us examine for example the nature of the hazards of driving an auto.

Just as with radiation at low doses, the hazard is of a *statistical* nature. There is a distinct *probability*, the minute you get into a car, that you will have an accident. No matter how safely you may drive, there remains the real probability of accident and injury. Thus we can make similar statements with respect to driving an auto that correspond to those made with respect to radiation exposure at low doses. The probability of harm to the individual from auto driving is approximately linear with "dose" or exposure, although in this case the exposure is in terms of hours or miles of driving. The "linear, no threshold" by hypothesis pertains, and *any amount of exposure to (time spent in an automobile) an auto, no matter how small, carries a certain probability of harm.* Thus the statistical nature of potential harm from radiation and auto driving is similar, and radiation is not unique in this way. The principal difference is that the probability of harm from auto driving is very real, while the distinct possibility exists that there may be no hazard from low doses of radiation.

6. Radiation is one of the best and most thoroughly studied of any of the environmental contaminants. A great wealth of quantitative data exists, that allows us to set more realistic conservative standards for it than for any other potentially deleterious agent.

OVERALL SAFETY OF NUCLEAR POWER PLANTS

While I cannot speak authoritatively to the many considerations other than radiation that must be evaluated in deciding on the type and location of needed additional power plants, it is informative to review briefly the discussions of the safety and desirability of the nuclear power plant at the Calvert Cliffs location on the Chesapeake Bay. The pros and cons were aired in local hearings, in the press, and in Congressional hearings. Concern over possible radiation exposure played a prominent role in these discussions. Governor Marvin Mandel appointed a Task Force composed of technically oriented and lay people to review the entire situation. A major conclusion of the group [16] is quoted as follows: "Based upon careful consideration of available evidence, the Task Force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

FOOTNOTES

[1] Morgan, K. Z.—"Radiation Standards for Reactor Siting" and "Accepted Risk Concepts", Testimony before the Joint Committee on Atomic Energy, Washington, D.C., January 27, 1970.

[2] Code of Federal Regulations, Title 10, Chapter I (10–CFR–20).

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STATEMENT OF MARTIN GOLDSTEIN

My name is Martin Goldstein. I am a Consulting Engineer-Planner from White Plains, N.Y. My professional specialty is what I call Community Value Systems Planning. Community Value Systems Planning is based on evaluating the entire spectrum of community activity and the interrelations of the factors with one another. Among the studies I did recently are a report from the Hudson River Valley Commission of New York on the Impact of Nuclear Power Plants on the Hudson River and adjacent lands, and a short study presented before a citizens group in New Rochelle in November, 1969, on evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating facility on the Community. It is this particular study and the use of Long Island Sound as a valuable community resource, that I would like to discuss with you today.

As you probably heard from previous speakers, the efficiency of nuclear fueled power plants presently in the design and construction phase is approximately 34%. That is—for each 10,000 BTU of heat energy generated in the Nuclear Reactor, only 3,413 BTU of heat energy is used to produce one kilowatt hours of electrical energy. Note that this mode of operation requires that approximately 6,600 BTU per KWH of heat energy needs to be dissipated or wasted to a heat sink—in the case of New Rochelle the heat sink is Long Island Sound and the atmosphere in the vicinity of the plant. It is to be further noted that if a fossil fueled plant of the same size were to be built on Davids Island, the increased efficiency of approximately 40% would require the dissipation of only 5,100 BTU per KWH of electrical energy produced (approximately 23% less waste heat. The operation of a fossil fueled plant, however, has numerous environmental disadvantages—among which are the discharge of combustion products to the atmosphere; the need to set aside an area to store the fossil fuel; the transportation of the fossil fuel; the ultimate disposal of waste residues; and the considerably larger size inherent of the fossil fueled plant.

A critical feature in the operation of a thermal plant is the start up and shut down period. During this time all the heat being generated by the furnace is dissipated to the waste sink. A fossil fueled plant can pass through this phase in a period of hours: whereas a nuclear powered facility requires days to start up and shut down. In the case of Davids Island once again, all four units would generate 40 Billion BTU per hour. During normal operations with all four proposed units on line, 635 Billion BTU per day will need to be dissipated in Long Island Sound. With two units on line and two units just off, 775 Billion BTU per day will need to be dissipated.

This heat discharge will undoubtedly alter the micro climate in the vicinity of New Rochelle. The discomforts of humidity and fog will increase. The amount of water that will be added to the atmosphere will depend upon the amount of cloud cover, wind velocity and general weather conditions. An exact analysis of these factors awaits further research. If all the heat from Long Island Sound is to be dissipated by normal four-on evaporation, approximately 250 acre-feet of water per day will be evaporated to effectuate the cooling process. If 50% of the heat is dissipated by radiation, only 125 acre-feet of water per day will evaporate. If an evaporative cooling tower were to be used to effectuate the cooling, approximately 500 acre-feet of water per day will pass up into the atmosphere.

The heat that we are talking about is the heat accumulated in the turbine condensers. Present Con Edison practice is to use 850,000 GPM (gallons per minute) of cooling water for each 1,000 M We generating unit. At this rate of condenser cooling water flow, water pumped from Long Island Sound is discharged back into the Sound at a temperature increase of approximately 16° F under normal operating conditions, and 23.6° F if the turbine is not being used to generate electrical power.

New York State Department of Health criteria governing thermal discharge states that the maximum water surface temperature rise shall be 1.5°F in coastal waters between July through September. To expedite meeting this criteria and assuming no radiation condition, for a normal four on operation 30,000,000 GPM of Long Island Sound water will be needed to effectuate a maximum of 1.5°F temperature rise; and for a two on and two just off condition 43,000,000 GPM of Long Island Sound water will be required. A very rough analysis indicates that a tidal flow of approximately 68,000,000 GPM flushes past Davids Island and Sands Point (a distance across the Sound of 2.15 statute miles). The 16°F temperature differential is reduced to 1.5° F by discharging the heated effluent through many small ports in a submarine discharge pipe. As the heated water rises to the surface, heat is transferred to the cooler Long Island Sound waters through which it is passing, so that the surface temperature is ultimately 1.5°F above ambient Sound temperature. Certain problems are inherent in this procedure in that other heat contributors to the Sound will elevate the ambient temperature, and it will be difficult, if not impossible, to monitor the final surface temperatures.

I propose to you gentlemen, that it is necessary to make a comprehensive multidisci-

plinary study of all factors associated with Long Island Sound and that an agency be established to manage this valuable community resource before Long Island Sound becomes a community liability.

BIOGRAPHY OF MARTIN GOLDSTEIN

Mr. Martin Goldstein is a Consulting Engineer-Planner: Town Engineer in the Town of Harrison, N.Y.; and lectures in the Department of Civil Engineering at C.C.N.Y., and in the Department of Urban and Regional Planning at Pratt Institute in Brooklyn.

He graduated from C.C.N.Y. with a B.C.E. in 1950, and did graduate studies at Brooklyn Polytechnic Institute.

Mr. Goldstein's studies concerning Long Island Sound consist of a waterfront Study for the City of Norwalk, Conn.; a study for a proposed Deep Water Marine Terminal in Stratford, Conn.; Drainage studies for Stamford, Conn. and New Rochelle, N.Y., and a study concerning Storm Water Pollution in Hempstead Harbor for the Nassau County Planning Commission.

In the field of Nuclear Power and the Environment, he did studies of the Impact of Nuclear Power Plants on the Hudson River and Adjacent Lands for the Hudson River Valley Commission, and Evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating Facility on New Rochelle.

He is a Professional Engineer and a member of various professional and scientific societies.

PROBLEMS OF RADIATION AND THERMAL POLLUTION FROM NUCLEAR FACILITIES ON LONG ISLAND SOUND

(By Joan Rumberg, M.D., and Mrs. Milton Kurtz)

One of the largest and potentially most versatile areas available in the middle Eastern seacoast for recreational use and pursuit of sport will soon be defiled and transformed into an unusable wasteland. This catastrophe will overtake us if we permit the proposed nuclear-powered plants to be erected on Long Island Sound. The essence of the problem is the nature of the unusable byproducts of the normal operation of these plants: huge amounts of condenser cooling water and similarly huge amounts of radioactive materials.

The fact that Long Island Sound covers 930 square nautical miles and contains 16.4 trillion gallons[1] of water pales to insignificance in face of the fact that of the 12 plants planned for the Sound area, the four 1,000 megawatt plants for David's Island alone will produce five billion gallons of water per day heated to 20–25 degrees F. over the intake temperature.[2] This degree of thermal loading is sufficient to destroy the existing ecology of Long Island Sound.[3]

How will this devastation occur? Oxygen-producing plankton will die. The oxygen content of the water decreases and organisms needing this precious substance disappear to be replaced by algae and fungi with other metabolic needs. Fish breeding in these areas are sensitive to small fractions of temperature change occurring at the wrong time and in the wrong place. The fish leave or cannot reproduce and die.[4]

The current discharge of sewage into the Sound from both the nearby Bronx and Westchester as well as the small boats in great profusion in the sound is the basic substrate for organic overgrowth and bacterial contamination of the water.[5]

A small example of this kind of problem occurred during an unusual heat spell in 1968. Many sensitive bathers were hospitalized with "swimmer's itch" due to the red tides of dinoflagellates.[6] We are all familiar with the problem of coliform bacilli and epidemics which close our public and private areas in very hot weather.[6]

It would be tragic indeed if we deprived ourselves of this historic area[7] purchased from the Federal Government for *public use*.[8] There is little doubt that in this ever increasingly crowded world that beautiful areas for escape into clean air and water and even a little solitude should be cherished, not destroyed.

The Federal Radiation Council arbitrarily sets standards of allowable amounts of radiation[9] permitted to contaminate the air and water surrounding us. The AEC accepts these unproven standards and allows the utilities to function within them. Under this aegis the daily operation of nuclear-powered plants allow for the release of large amounts of long-lived biologically-active radionuclides into air and water (16,000,000 curies a year).[10]

That these standards are open to question is exemplified by Drs. Gofman and Tamplin of Lawrence Radiation Laboratory who testified that allowable levels of whole body radiation should be decreased by a factor of ten.[11] Similarly Dr. Socolar of Columbia University stated that under most favorable conditions there would be a 5% increase in the incidence of cancer and leukemia per year as well as 2% increase in human mutations.[12]

That the AEC must have these figures is obvious. Therefore, that the prospect of an increase in cancer, genetic defects and a decrease in life span is not given proper consideration is a logical deduction. This is immoral!

The promise of tax benefits is crass![13] The threat of continued blackouts without these plants is blackmail![14]

Let us consider for a moment the duration of half-life of the radionuclides released: in the case of Nitrogen 16, 7.3 seconds; in the case of Iodine 129, 17,250,000 years.[15] Our atmosphere is finite. It is therefore a simple deduction to see that these long-lived substances do not disappear but with each day inexorably increase in concentration, permeating the air we breathe, dusting the food we grow, and entering our food chain through the flora and fauna of Long Island Sound and fish-breeding regions along the Atlantic coast.[16] Through biologic magnification (a concept of DDT fame) the local concentrations may easily exceed the legal limit.[17]

It is sufficient for us to know that the Atomic Safety and Licensing Board of the AEC considered the monitoring devices maintained by the utility at Indian Point #1 useless.[10] It is only confirmation of their cavalier attitude about the safety and health of the residents in the proximity to these nuclear plants, be they at Indian Point or on Long Island Sound.

FOOTNOTES

[1] Albert Jensen, Assistant Director of Marine and Coastal Fisheries, New York State Department of Conservation, Study of Long Island Sound.

[2] Albert Jensen, June 4, 1969 at Immanuel Lutheran Church.

[3] Standard Star of New Rochelle, Thermal Pollution Symposium, Oct. 14, 1968. Or Albert Jensen at a meeting at Trinity School in New Rochelle on Nov. 10, 1969.

[4] Sport Fishing Institute Bulletin, Sept., 1968.

[5] New Rochelle Standard Star, July 26, 1968, "Beach Inquiry Sought."

[6] "Equal Time," Dr. James Melville of Mercy College in Dobbs Ferry.

[7] "Historic New Rochelle" by Herbert B. Nichols, Board of Education of New Rochelle, 1938.

[8] New Rochelle Standard Star, Letter to Editor, Sept. 10, 1968, by Maxwell Feinberg.

[9] Power Generation and Pollution. Page 9. Dr. Robert Beardsley, Chairman of the Department of Biology, Manhattan College. Unpublished paper.

[10] AEC Initial Decision for Indian Point No. 3. Official Document.

[11] Federal Radiation Council Guidelines for Radiation Exposure of the Population at Large—Protection or Disaster? Presented by John W. Gofman and Arthur Tamplin of Lawrence Radiation Laboratories before the Sub-Committee on Air and Water Pollution, Nov. 19, 1969.

[12] Dr. Sidney Socolar, Columbia University, Member of SCIPI. Speech delivered Jan. 8, 1970 at Columbia's Macmillan Theatre.

[13] New Rochelle Standard Star, Oct. 17, 1968, "Mayor Extols Slocum Sale."

[14] Glenn T. Seaborg, Chairman of AEC. New Rochelle Standard Star, Jan. 29, 1970, "Survival Problem: Pollution."

[15] Electricity from Nuclear Energy. Environmental Contamination from Normal Operation of Reactor. Malcolm Peterson. November 1965 Scientist and Citizen.

[16] Manhattan Scientist, April 1969. The Environment of Man. Dimensions of Nuclear Pollution by Henry Guaresco.

[17] Radioactivity and a Proposed Power Plant on Cayuga Lake.

MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONYERS. Mr. Speaker, more and more people in this country are recognizing the critical necessity of maintaining the unique dignity, authority, and credibility of the Supreme Court. They understand that the Court cannot properly function if it is discredited by the addition of narrowminded, prejudiced, or mediocre men. They feel strongly, as I do, that it is long past time for the U.S. Senate to establish the principle that a nominee of a racist or segregationist background is per se unqualified to sit on the Supreme Court. In Michigan, a group of citizens who feel this way have joined together and formed an organization called the Michigan Committee Against Racism in the Supreme Court.

The group is headed by the Reverend John B. Forsyth, director of mission, Metropolitan Detroit Council of Churches. Last Thursday, February 19, an initial member of the Michigan committee, Stephen I. Schlossberg, general counsel of the United Auto Workers, came to Washington and announced its formation to various congressional leaders and interested organizations. A number of my colleagues have responded with a commitment to set up similar organizations in their home States. The Michigan Committee Against Racism in the Supreme Court has printed a bulletin listing statements in opposition to President Nixon's most recent nomination to our highest Court. This bulletin, and a list of the initial members of the committee, follow:

MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

We call on Senator Griffin to oppose Carswell because—

"I have been disturbed by the Carswell nomination."—Dean Charles W. Joiner, Wayne State Univ. Law School.

"The most hostile Federal district judge I have ever appeared before with respect to civil rights matters."—Prof. Leroy Clark, N.Y.U. Law School.

"There simply is a lack of reasoning, care, or judicial sensitivity overall in his opinions."—Prof. William Van Alstyne, Duke University Law School.

"It is time to establish the principle that a racist is per se unqualified to sit on the

Supreme Court."—Congressman John Conyers, Jr.

"A slap in the face of the federal judiciary."—George Meany, President, AFL–CIO.

"Carswell has so little regard for the mothers of the country."—Betty Friedan, President, N.O.W.

"More slender credentials than any other nominee in this century."—Dean Louis Pollack, Yale U. Law School.

"Expressed dislike at Northern lawyers such as myself appearing in Florida."—Prof. John Lowenthal, Rutgers University.

"He showed 'extreme hostility' to civil rights lawyers and accused them of 'meddling and arousing the local people.' "—N. C. Knopf, Lawyer, Department of Justice.

"This nomination is contempt of the Supreme Court."—New York Times.

"No reason whatever . . . to accept . . . such meager credentials."—Dean William Allen, Univ. of Mich. Law School.

"The nomination is a sad one for this country."—Former Attorney General Ramsey Clark.

"Undistinguished."—New York Times.

"Confirmation would be a betrayal of the Senate's responsibility."—Prof. Gary Orfield, Princeton University.

"A tragic signal to the American people."—Walter P. Reuther, President, UAW.

"No claim to distinction in any field."—Roy Wilkins, Chairman, Leadership Conference on Civil Rights.

"A level of competence well below the high standards we would consider appropriate."—Dean Derek Bok, Harvard Law School.

"Not a distinguished choice."—Dean Brian G. Brockway, Univ. of Detroit Law School.

If you agree that a mediocre racist should not be on the United States Supreme Court, write, wire or see Senator Griffin and demand that he oppose Carswell's confirmation!

Michigan Committee Against Racism in the Supreme Court, Rev. John B. Forsyth, Chairman, 65 E. Columbia Street, Detroit, Michigan 48226. Phone: 962–0340.

As the New York Post wrote editorially: "The Carswell nomination is not only a rebuff to all Americans who value progress toward equal rights. It is a coldly political affront to the majesty and dignity of the nation's highest court, and to the powers of discernment of the Senate. It can—and should—be defeated."

MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

Chairman: Rev. John B. Forsyth, Director, Division of Mission, Metropolitan Detroit Council of Churches.

INITIAL MEMBERS

1. Rev. William Ardrey, Michigan Annual Conference, A.M.E. Zion Church.
2. Robert Battle, III, President, Trade Union Leadership Conference, Metropolitan Detroit Labor and Civic Association.
3. Kathryn Bolton, Focus on Equal Employment for Women.
4. Mrs. Blanche Burnett, Michigan Council of Catholic Women.
5. Patricia Burnett, National Organization of Women.
6. Mr. David Chaney, International Vice-President, Amalgamated Clothing Workers of America, AFL–CIO.
7. Abraham Citron, Education and Psycology Department, School of Education, Wayne State University.
8. Congressman John Conyers, Jr., First District, Michigan.
9. Rev. W. H. Crenshaw, President, Inter-Denominational Ministerial Alliance.
10. Congressman Charles C., Diggs, Jr. Thirteenth District, Michigan.
11. Al Fishman, Chairman, New Democratic Coalition.
12. Atty. Samuel Gardner, President, Wolverine Bar Association.
13. Atty. William Goodman, National Lawyers Guild.
14. Mrs. Dorothy Haener, Chairman, Current Topics Study Group.
15. Mrs. Lilliam Hatcher, Women's Department, United Auto Workers.
16. Murray Jackson, Chairman, First Congressional District Democratic Party.
17. Walter Klein, Executive Director, Metropolitan Detroit Jewish Community Council.
18. Francis Kornegay, Executive Director, Detroit Urban League.
19. Robert R. Lee, International Representative, Amalgamated Clothing Workers of America, AFL–CIO.
20. Willie Lipscomb, Chairman, Thirteenth Congressional District Republican Party.
21. Rev. Hubert Locke, Director, Department of Religious Affairs, Wayne State University.
22. Atty. Claudia Morcu, former Executive Director, Neighborhood Legal Services.
23. Stanley Marks, Businessmen's Association.
24. Atty. William Mazey.
25. Mrs. Annet e Miller, Chairman, Metropolitan Detroit Chapter, Americans for Democratic Action.
26. Sheldon Miller, President, Detroit Chapter, American Trial Lawyers Association.
27. Max Pincus, President, Hughes, Hatcher and Sufferin.
28. Ronald Rothstein, Anti-Defamation League of B'nai B'rith.
29. Atty. Abdul S. Sheikh.
30. Richard Smith, Thirteenth Congressional District Republican Committee.
31. Rev. Willis Tabor, Staff, United Presbyterian Church.
32. Tom Turner, President, Detroit Chapter NAACP; President, Metropolitan Detroit AFL–CIO.
33. James Watts, President, Michigan NAACP.
34. Abraham Zwerdling, President, Detroit Board of Education.

STATEMENT OF REAR ADM. JAMES W. KELLY

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHADEBERG. Mr. Speaker, the following information comes from Rear Adm. James W. Kelly, CHC, U.S. Navy; Chief of Chaplains, U.S. Navy, who has brought us information about the men serving in Vietnam which is not generally reported by the press. Perhaps the press does not report these things simply because the good works of our servicemen in Vietnam are not really news—it is the unusual that makes news, and therefore the reporting of day-to-day common efforts do not share the news print along with the isolated case of dramatic or unfortunate events.

The story he tells is in the form of a report by the Chief of Chaplains upon his return from Vietnam after his annual Christmas visit. It was prepared for the newsmen of the Washington area at a luncheon held Wednesday, January 7, 1970. As a former Navy chaplain, I perhaps have an unique interest in what is taking place among the chaplains in the military services, but I was so impressed by his report I thought perhaps my colleagues would be interested in getting a bit of the side of the picture of our servicemen in action which could not come from any other source.

I personally know Rear Adm. James W. Kelly, as a dedicated Christian clergyman. Our paths have crossed on several occasions during our mutual service in World War II days and during the Korean police action. He is a man of unique dedication; a chaplain's pastor, a man whose integrity is beyond question. He is dedicated to serve God and his country; he has fulfilled his obligation as a highly-respected man of the cloth in uniform. It was by no mere coincidence that he holds the highest rank within the naval service in the Chaplain's Corp. He sought no place of honor, only opportunities for service, commensurate with his dedication.

The fact is that his service to God and his country; his deep personal feeling for the men in the service, sought him and placed him in the office of top responsibility for the spiritual life and welfare of the men in the Navy. His words, those spoken by his lips and penned by his hand are the expression of his heart and his keen sense of observation of what takes place inside of the outer veneer of life in the military.

I am confident that my colleagues will appreciate his statement and relay to their constituents the basic goodness of the men who are serving this Nation in uniform in Vietnam.

The statement follows:

STATEMENT BY REAR ADM. JAMES W. KELLY, CHC, USN, CHIEF OF CHAPLAINS, U.S. NAVY

Having just returned from a visit to Southeast Asia, which included visits with Chaplains and servicemen in Japan, Korea, Okinawa, Guam, the Philippines, Vietnam and in the U.S. Seventh Fleet, I feel a deep responsibility and a keen opportunity to report my observations to you.

I have selected the theme: "Our Man In Vietnam." That theme is double barreled and I want to make reference not only to the Chaplain as he represents the American Churches in service to the Navy/Marine Corps/Coast Guard team, but also to our American servicemen.

I am aware that much of our public opinion has been polarized into the generally accepted "hawk" and "dove" positions. At the same time, there are many Americans who, in deep concern, are raising questions which indicate their openmindedness and their search for information which will help them reach or revise personal judgments about the critical issues regarding the war in Vietnam.

It has been said that the great wall between the occident and the orient is not the great wall of China, but rather the wall of misunderstanding.

I feel, on the basis of my recent as well as four previous visits to Vietnam, that there is also a great wall of misunderstanding concerning our involvement in this troubled land.

Americans generally know that we are engaged militarily against the National Liberation Front and the North Vietnamese Armed Forces. They are fed with regularity their daily ration of news media coverage that identifies the more sensational aspects of combat. Once weekly they receive the body count statistics. But do they really appreciate what our Marines, sailors, soldiers and airmen are involved in that motivated 10,000 Sailors and 40,000 Marines to request extensions of six months or longer in Vietnam?

Upon his recent return from his third visit to Vietnam, Reverend Harry C. Wood, Executive Secretary of the Department of Church and Service Personnel of the United Presbyterian Church in the USA made this statement: "The average American has little factual knowledge concerning the human needs of the people of this long denied country, nor

does he know what the majority of our servicemen know about what is being done to meet these needs."

From my recent visit to Vietnam, from the hospitals in which wounded American youth lay, from the front line bunkers and trenchlines in which our brave young men kept watch or faced a determined foe, from my visits in the villages and hamlets in which our Combined Action Platoons operate or to which our MEDCAP teams carry their healing, from our Chaplains and our youth and military leaders, from our missionaries and from the indigenous religious leaders and civil officials, I acquired some very strong and, I feel, well founded conclusions. I stress the point that this was my fifth annual visit and that I have had the opportunity to make comparisons of things as they now are with things as they used to be.

One thing is unchanged and that is the consistent and unwavering dedication, loyalty and courage of the American fighting man. I will have more to say about him a little later.

First, I was encouraged and found inspiration in the gentle people—the South Vietnamese—many of whom once fled from North Vietnam and who since have fled the terror of the Viet Cong and NVA, but many of whom now cease to be refugees. Resettlement is encouraging. They are returning to their hamlets and villages, rebuilding their homes, replanting their farms and rice paddies. In spite of occasional acts of terror by the enemy—acts of terror which are used for the purpose of coercion—the Vietnamese are turning to a strengthened government. And let there be no mistake about it: the government of the Republic of Vietnam is stronger. In talking with Vietnamese during my visits and through information which comes from Chaplains in the field, it is obvious that the vast majority of the people know what Communism is and they don't like it.

The argument for an improvement in the Vietnamese government and the lot of the people can be proved not merely by citing numbers. You go to village after village and hamlet after hamlet where our Combined Action Platoons are located for the security and support of the people. You see wells being dug, latrines being built, buildings, classrooms and churches under construction. You see the people well-fed and prospering. You see their crops in the glory of growth. You watch the people, especially the old people, smile. The refugees are going home because security permits it. 469,336 did it through 1 December 1969. Only 90,000 refugees returned home in 1968.

The Vietnamese Army is stronger. Not only does its number exceed one million, its capacity for standing against aggression from the north is being proven daily. The South Vietnamese have moved through the stage of dependence to interdependence. It is our prayer that they may soon be capable of reaching the stage of independence.

Our humanitarian outreach is one of the glories of our involvement. Our serviceman's courage and valor on the field of battle is matched by his humanitarian concern. Because I have included two separate articles on this subject in the press kit, I will limit my remarks in this area. There are a multitude of stories in Vietnam—stories that do not get told, stories that would help reveal in the clear light of day information so vital to an objective appraisal of the efforts and sacrifices of American servicemen. If known they should instill in the American people a sense of pride, respect and admiration. One release in the press kit attempts to present a picture of American civic action effort in general. It was the observation of this effort that caused Reverend Wood, previously referred to, to say:

"I saw again the response of our young people to the crying needs of fellow human beings. It seems to me that there is a tremendous Peace Corps within the military establishment represented by thousands of young people deeply involved in a most significant effort to save lives, and to give hope and opportunity to thousands of eager but deprived people."

The second release is about the Hoa Khanh Children's Hospital, one of the finest Marine civic action projects in Vietnam. It tells the story of how, through the contributions of time, money and professional expertise, a 120 bed children's hospital came into being. Dr. Everett S. Graffam, who is head of the World Relief Commission that will sponsor the hospital after the Marines depart from Vietnam said as he surveyed the financial and material demands for an operation of this size:

"I hope that Christian civilians will be able to match the dedication and concern of American Marines for the physical and emotional well-being of these little ones."

If they succeed, some American civilians will begin to appreciate the greatness of concern of the American servicemen for the people in whose land he served.

OUR MAN IN VIETNAM—THE SERVICEMAN

As on other Christmas visits to Vietnam, one of my major concerns on my 1969 visit was for this American youth. In the past, I was always able to report in a most positive and favorable way about the men and their morale which I considered phenomenally high, stable and consistent. When asked the reason, I related the usual answers which included good food, extra pay, tax benefits, good mail service, excellent equipment, superb medical care and the confidence a man has when he knows his friends will never let him down—being willing to defend or die for him, as he would for them. But I always added what I am certain was the chief factor in his consistently high morale—namely, his own conviction that what he was doing was crucially important and that both his countrymen and the Vietnamese were deserving of his sacrifice and effort in their behalf.

As I went to Vietnam on this last Christmas, I went with a heavy heart and the fear and apprehension that events on the homefront would have dissipated some of the servicemen's enthusiasm and high morale. Certainly he is not deaf, dumb and blind. He knows that the cause for which he makes his sacrifices does not have the unqualified support and admiration of a portion of the American community. The *Stars and Stripes* and *American Forces Radio and TV* give him reports on the Moratorium efforts, the anti-military dialogue, the daily exhortations for American youth to evade their military obligations, and the mounting evidence that the virtues of patriotism, duty, service of country, honor among fellowmen and courage in the face of danger are suspect. He knows that some call him the tool of the aggressive, oppressive and expansionist interests of self-seeking opportunists.

As I approached Vietnam, I could not help thinking about a story that has become quite familiar at home: Dr. Seuss' "How the Grinch Stole Christmas," and I wondered if the American grinch had finally stolen his Christmas. I refer to the grinch represented by some of our loudest debunkers, the most abrasive demonstrators and VC flag carrying youth who spend their time making unjustified generalizations about the nature of his service and demeaning the cause for which his country asks him daily to face sacrifice and possible wounds or death. I mentally added to the grinch family those whose concern for those who die stops oddly short of him. I was not adding to the grinch family all those who disagree. God forbid! When there are no longer disagreers seeking solutions to common problems, there is no longer a democracy. What I have been pleading for is opinion that is responsible and mature in its expression and in the interest of the common welfare. When it is neither responsible, mature nor to the common good, it should not be the subject of broadcast throughout the land nor should it be the object of adoration and of generalization into the will of the people.

Did the Grinch steal his Christmas?

Based on my conversations with hundreds of people including the men themselves, their leaders and their chaplains, the answer is a resounding NO!!

Not only his President and his next-of-kin at home remembered him. Tens of thousands of Americans remembered. Some of these made their concern known by contributing to organizational efforts like "Gift Pac Vietnam," but many thousands of others, acting as concerned and appreciative Americans, sent their packages, cookies, gifts, letters and greetings. And tens of thousands of school children remembered, sending greetings like this one: "Dear Marine: I love you and I know God loves you, too. Have a Merry Christmas and come home soon." It was signed by a second grader from a Bronx, N.Y. elementary school.

These evidences of appreciation for his service plus visits from prominent Americans like Cardinal Cooke, Norman Vincent Peale, Reverend Ozzie Hoffman, Bob Hope, Martha Raye and Johnnie Grant, were proof that not all Americans find patriotism and service to their country suspect.

But even without these evidences of concern, the over-exposed American grinch could not have stolen his Christmas.

To his glory is that the detractors have not succeeded in dissipating his morale, diminishing his dedication, or shaking his resolve to serve his country and the long suffering people of South Vietnam.

He is, I observed, hurt by but yet generally indifferent to the report of or failure to report his achievements. He knows what he is doing, why he is doing it, and does not have time to worry about the detractors. He is not given to heroic lines or on-stage posturing. He is less concerned about public opinion than the job at hand. He has less time for scoffers, who have no time for heroes, than they have for him.

Being normal, he is disappointed. As one Marine said, "I'm not expecting much when I get back. We know there will be no parades on Fifth Avenue. We're aware of the political situation back home. But neither do we expect to get attacked for what we've done, and which we're proud of. We've served our country."

The serviceman doesn't like being referred to as a tool of imperialist aggression, especially when the words are delivered in an American accent, but he has little time to pay attention to it. He is too busy searching for mines, set by the VietCong or North Vietnamese—mines planted by the people whose flag some Americans choose to fly—mines that have killed and injured more Vietnamese civilians than they have American troops.

He knows that it is easy for gentle people who have never seen tyranny, war or terror to call themselves doves. And he knows that because he fights tyranny and terror, some call him a hawk.

He observes a nation—his free nation—tiring of war and its expense, questioning all forms of preparedness and defense as if this earth—this spinning island in the sky—were populated by a placid, cooperative, compassionate, peace loving, quiescent fellowship of man.

Yet, he knows that no one wants peace *more* than he does—or other sailors, soldiers, marines, SeaBees or airmen when they are in battle. No one wants peace more than the rifleman on his 60th patrol—or the artilleryman returning counterfire during a rocket and mortar attack on his position—or the aviator flying his third *MEDIVAC* mission in one day. He always longs for peace. He looks forward to the day when he can go home, having acquitted himself with honor. But he doesn't want to settle for anything less than

a free and prosperous South Vietnam. He needs peace more than most Americans need it.

Yet in ships that steam on humid stations in the Gulf of Tonkin, in the Riverine Forces in the Delta, and in the northern five provinces of I Corps, young Americans willingly fight this war in the air, in the rice paddies and the mountains, along the narrow riverways and at sea. In contrast to some Americans who talk of peace—indifferent to whether honorable or dishonorable—and man's right to self-determination, these young men fight for these ideals. The serviceman knows the war not from reports on TV but from his day-to-day dedication and sacrifice.

On a recent visit to Vietnam, General Walt asked a badly wounded and hospitalized Marine on whom he was pinning a Purple Heart, how he felt about the hometown anti-war demonstrators whose actions were depicted in pictures and a news article in a paper that lay on his bed. "Oh," he said, "it doesn't bother me because they don't know what they're doing." General Walt replied, "How can you be sure? Here, you almost lost your life at the DMZ and your buddies at home are demonstrating against what you are doing. What do you mean when you say it doesn't bother you? How can you be so sure that you're right and they're wrong?" "Well," he said, "I just know they don't know what they're doing, General, because last year, before I came into the Marine Corps, I was one of them."

No one needs to tell him about the suffering of the South Vietnamese people at the hands of terrorists. No one can tell him that these acts are accidents or isolated instances. He knows that they are part of Viet Cong/North Vietnamese strategy to intimidate and coerce the people. I feel certain that your thoughts are drifting, at this point, to the alleged atrocity at My Lai. I want only to say that if the allegations are true, it is a most regrettable incident. The story of terror tactics on the part of the VC/NVA does not, for some reason, appear to be newsworthy. Perhaps that is because it is a common, everyday happening—a part of enemy strategy. It is obvious that the alleged My Lai incident is newsworthy because it is so uncommon, so unique and so inconsistent with the great caution and concern exercised by our military leaders lest we injure or destroy those for whom we have shown a willingness to sacrifice or, if need be, to die.

I want to make brief reference to racial problems which I prefer to call problems in human relations. This is an area of my deep concern. One cannot transport a cross section or microcosm of our population to another environment or into an alien culture and expect all of the social problems to mysteriously disappear. Yet, where men are in supportive concerns which involve life and death issues and where dependence upon others is of vital importance, you expect, and, from opinions I have heard voiced by servicemen and their leaders, have a definite lessening of critical incidents. The problem of human relations is not a new problem and not a military problem, but rather an issue of national concern.

An issue of gerater concern for the American serviceman is his need to defend the Vietnamese people. This defense is matched by his humanitarian efforts which I have tried to illustrate in two articles in your press kit: one referring to Civic Action in general and the other to the Hoa Khanh Children's Hospital which is one of many memorials to his compassion.

He is a youth—an American youth who is part of the new generation. But he holds on to many of the old values, old virtues and old morals. And he can distinguish between the flag of his country and that of his enemy. He is deserving of our great praise and gratitude. He is an American whose involvement in war has not only not robbed him of his humanity, it has enhanced it. He has refused to be dehumanized by the war. Except in the heat of conflict, he has a heart of exceeding compassion and concern. The war he is involved in, as all wars, is ugly, but the military man is a specimen of considerable beauty. He continues to be a good will ambassador of his country.

And he continues to be a man who needs and relates to his religious heritage. The intensity of his needs may vary in relation to the level of danger. As one said, "I didn't go regularly to church at home but I feel more religious now. Maybe it relates to my fear, but it also relates to my need. One needs something to hold on to and I can't think of anything or anyone better than God. Now that I've found him, I guess I will always see the need for him."

OUR MAN IN VIETNAM—THE CHAPLAIN

I told you earlier that I am relating the theme, "Our Man in Vietnam" not only to the American serviceman, but also to the chaplain.

I could present stirring examples of what both are doing by reading some of the many citations which have accompanied decorations awarded in this conflict. I could relate endlessly the deeds of their courage, sacrifice and compassion. But I want rather to talk briefly about their day-to-day application of these qualities.

From a Corps point of view, our man in Vietnam refers to the chaplain. With the pullout of the Third Marine Division and certain other Marine and Navy elements, the Navy has dropped from 110 to 92 chaplains ashore in Vietnam. They are attached to Marine and Navy units and Construction Battalions in the Northern five provinces (I Corps Tactical Zone) and with River Assault Groups and other Navy activities from Cam Ranh Bay to the Mekong Delta area. Nineteen chaplains are positioned off-shore aboard ships of the U.S. Seventh Fleet.

From 1965 to the present, just under 700 chaplains (70% of Chaplain Corps strength) have served in Vietnam or off her shores. They are not warriors, but they comfort those who are. Their purpose is not to support policy, but to support men and women, many of whom have left their private dreams in answer to their country's call to duty. They are neither hawks, doves or propagandists. Their job is to insure that men away from home have the right to the free exercise of their religion. Like the missionary, the chaplain pursues his God-given calling in the middle of the fray. He does not stand back to rationalize, philosophize or criticize what is happening. He is involved with man at the gut level of existence and often he may prove to be the last hope for a troubled soul.

His mission is service, his theme song is dedication and one of his strengths is his mobility. With the chaplain's practice of circuit riding by which he succeeds in extending his ministry across organizational lines, thousands of Navy, Marine Corps, Coast Guard and even Army and Air Force personnel who otherwise would be without a chaplain, know the impact of his ministry. It is not uncommon for a chaplain to hold 20 to 25 religious services in a week. He is more mobile than any chaplain in history, thus permitting the church, through its chaplain representative, to effect the broadest, most comprehensive, most intensive and most effective ministry ever provided to combat committed personnel.

Every day of the week is equal to Sunday when it relates to the serviceman's desire for a worship experience and an open air chapel with the altar rigged on the hood of a jeep or the top of a sand-bagged bunker is inspiring to him as if he were in St. John's the Divine or the Shrine of the Immaculate Conception.

The chaplain uses a variety of transportation modes to get him to his men: fixed wing aircraft, helicopter, river craft, four wheel vehicles or plain humping. He braves the hazards of sniper fire, open attack, mined roads and the fury of the elements to travel to widely dispersed units or to his men who are hospitalized. He frequently feels impelled to offer a prayer of gratitude for a safe arrival because he knows that many of his chaplain colleagues never completed their journey without suffering wounds or death along the way.

In the heat of combat, he may move from position to position holding a service of worship offering words of encouragement, ministering to the wounded and the dying, or generally fulfilling his pastoral role.

I should note, for your information, one observation which repeats itself in ministering to men in the heat of combat. The chaplains report the hunger among the men for Holy Communion. "That service," as one chaplain said, "is most meaningful to them because they have a deepened understanding of the term 'sacrifice' and because it communicates, above all, the concern of the Almighty for his creature, man."

The chaplain is not only more theoretically, but also more practically ecumenical—working in an interfaith fellowship in which cooperation, without compromise of his religious convictions, guarantees a greater satisfaction of the individual needs of the men.

There may be few basic differences between the chaplain and the civilian priest, minister or rabbi. Both share the same aims, many of them the same challenges for reaching and serving people with much the same spirit of consecration and self sacrifice.

But the chaplain is unique in his involvement. He is one with his men, having mastered the fine art of belonging. He may be distinguished from them by the cross on his collar, but otherwise he dresses like them. He lives with them in their bunkers, shares with them their rations and their risks, moves with them on patrols, and sometimes is required to bleed and die with them in that far away land. He ministers to them not only in their moments of intense combat, but also in their periods of equally intense boredom.

I salute him because he is the chaplain without parallel in the annals of our history.

And I pray with him.

What and whom do we pray for—these dedicated Navy chaplains and I?

We pray for our President and those in authority, civil and military, who bear the arduous burden of command responsibility, that they may be possessed of the wisdom to make the right decisions in time of severe trial and the courage to do what they believe essential to the well being of all men everywhere.

We pray daily for our men that they will have the strength, skill and wisdom for the needs of each day. We pray that the Lord will be their shield and protector in danger, and their companion through "the valley of the shadow."

We pray for our wounded, that they receive comfort and healing and, where the wounds have been grave, rehabilitation whereby their infirmity will be less pronounced than their capacity to act and serve as useful citizens.

We pray for the prisoners of war, that in their confinement, loneliness and days of trial and uncertainty, they may know the concern of loved ones and fellow Americans, that God is with them, and that the day of their release is at hand.

We pray for the doctors, nurses and corpsmen that God will give them strength and skill to perform miracles of healing and the time to continue their outreach to the sick and wounded people in whose land they dwell.

We pray for the pilot flying his assigned mission or MEDEVAC run that success will crown his effort.

We pray for the American missionaries and the indigenous clergy who seek to expand a knowledge of God and His kingdom.

We pray for the refugees, that they may return in peace to those homes where their hearts long them to be.

We pray for those nationals from Australia, the Philippine Islands, Thailand and Korea who have been involved with us in this struggle.

We pray for the representatives of West Germany, who have committed themselves to a mission of mercy and healing for the people of Vietnam.

We pray for ourselves that as chaplains we may measure up not only to the expectations of the churches we represent but also of the God we serve.

We pray for the future of the South Vietnamese people that they may know, as the fruit of victory, freedom and the right of self determination.

We remember our dead and pray that the record of history will vindicate their selfless sacrifice.

We pray for all Americans—that they will unite in prayer and concern for all who are required to serve in our Armed Forces.

We pray for an honorable peace—where warring factions both at home and in Vietnam may come to know and practice God's will.

We pray for our enemies and for the day when, through the reconciliation of man to man, we may be united in those actions and activities that will help to preserve and promote the freedom of man and peace on our earth.

REGULATION OF MEDICAL DEVICES NEEDED TO REDUCE DANGER FROM UNSAFE INSTRUMENTS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HALPERN. Mr. Speaker, I am introducing legislation today to prevent the marketing of potentially dangerous medical devices by giving the Food and Drug Administration mandatory power—which it does not now have—to recall defective instruments and require that devices be precleared by the Federal Government before they may be marketed.

It is shocking and hard to believe but the law does not require FDA to approve medical devices that are used to diagnose, cure, treat, and prevent diseases. The tragic results are that unsafe and defective electrical equipment are causing an estimated 1,200 hospital electrocutions yearly and countless cases of accidental injuries.

I do not want to alarm anyone, but some manufacturers are callously disregarding the public interest. For instance a New York hospital reports that 40 percent of incoming instruments are defective and a recent survey suggests of 1,500 devices tested, 1,200 had unfavorable or untoward reactions. The bill I am introducing, known as the Medical Device Safety Act of 1970, would amend the Federal Food, Drug and Cosmetic Act to regulate carefully defined categories of medical instruments so they would not be confused with some loose definitions of drugs. Since there are presently no standards for devices, FDA also would be empowered to create and enforce standards after consulting with other Federal agencies and experienced technicians and doctors.

Only after a device is marketed and proven dangerous to people's health can the FDA now attempt to have it removed. This procedure is a joke. First, FDA, usually spends several months finding out about a problem—if they ever do. Then, the manufacturers can only be asked to voluntarily recall a device. FDA then can ask the court for an injunction, which manufacturers usually appeal. This can take up to 5 years, during which time they can continue selling the device.

For instance, a Philadelphia researcher recently concluded that a resuscitator used for emergency first aid to counter heart failure, smoke inhalation, and drowning failed to provide respiratory support for the victims. Yet manufacturers refused to recall the product from the market, even though using the device involved a possible serious hazard.

Ingenious new breakthroughs in medical technology are helping to save and cure many sick people, but unfortunately, too many manufacturers are producing unsafe and unreliable instruments. Improper design, high electrical leakage from equipment, shoddy cables, and poor assembly of parts are a few of the frequent complaints.

Unfortunately, I am not talking about isolated instances of a lapse in a piece of equipment's performance. Hospitals and doctors are reluctant to publicly discuss it, but the complaints are mounting of faulty anesthesia devices, heart valves, catheters, contact lens, X-rays, radiation, plastics, prosthesis, IUD's, and cardiovascular apparatus, to cite a few.

These reports have been gathered from independent surveys made by hospitals, doctors, and reports reaching the Food and Drug Administration.

For instance there are reports of artificial heart valves with surface defects that can cause fatal blood clots; artificial kidney machines discharging water intravenously which could endanger patients' lives, and hip protheses mechanically disrupted which cause severe tissue injury.

But it is new electronic devices that are causing the real danger—electrocution. For instance there are defibrillators, which have tendencies to discharge high electrical voltage into a patient's heart before a surgeon wanted it. In such circumstances, it is difficult to determine whether a patient's heart failed or whether he was killed by the electrical jolt. Some doctors suggest cheap molded plastic plugs on machinery or poor maintenance could cause such a malfunction.

There can be no further delay, medical devices must be regulated and controlled.

What follows is a legislative analysis of the Medical Device Safety Act of 1970:

There are four major problems in existence today as a result of inadequate device legislation.

First, the actual definition of a device is vague. The courts, in the AMP decision—*AMP* v. *Gardner et al.*, 389 F. 2d, 825–1968—held that the "new drug" provisions of the Food, Drug, and Cosmetic Act are not limited to products that are "drug" in the conventional sense of the term, but cover a broad range of products. They further held that the "new drug" provisions would be applied "to keep inadequately tested medical and related products which might cause widespread danger to human life out of interstate commerce."

The difficulty is that the court opinion draws no clearly defined line between drug and device, making it necessary to proceed on a product-by-product basis in requiring "new drug" clearance. Much litigation would be necessary before the full scope of the "new drug" authority could be elucidated.

My bill attacks this problem in two ways—by redefining as distinctly as possible, the terms "drugs" and "devices," and by providing a means whereby devices are regulated and standards set for them on a parallel but not identical basis with those of drugs.

I believe Congress' original intent when it passed the Food, Drug, and Cosmetic Act in 1938, was that devices be treated on a parallel basis with drugs, not on identical basis as proposed by the AMP decision.

Second, there are presently no standards set for devices. My bill would empower the Secretary of Health, Education, and Welfare to establish and enforce such standards through consultations with Federal agencies and other groups.

Third, the bill contains a "state of the art" clause allowing FDA to withdraw approval of a device if new research proves it to be harmful or ineffective, or to grant approval for a device previously thought harmful or ineffective.

This clause is necessary because medical device research is 30 years behind that of drug research. Much of the basic research was never done in the device field. The future will undoubtedly see this research improving on devices and their applications. To apply the strict, stringent drug research requirements to devices is both unfair and impossible. Only when device research catches up will this be feasible, hence the "state of the art" clause.

Fourth, there is presently no premarket clearance procedure for devices. Only after a device is on the market and then proved dangerous to health or ineffective, can the FDA act to have it removed. This current procedure is a time-consuming joke. First, it takes the FDA several months to find out about the problem if they ever do. Then, they can only ask the manufacturer to voluntarily recall the product. If he refuses, the FDA may, under the danger to health provision or the mislabeling provision, ask for an injunction to have the product recalled. The manufacturer may appeal, a 3–5 process, during which time he can continue to sell the device. If he eventually loses the case, he has only to change the label or take the device off the market. There is no penalty.

My bill sets up a premarket clearance procedure and the conditions under which it applies.

All of the preceding amendments and

procedures are necessary to protect the consumer from faulty, ineffective, useless, and dangerous medical devices.

I am also concerned about the resources FDA has for monitoring the device market.

The device market is a multibillion-dollar business. This year—see table 1—the retail value of devices is expected to surpass the $5 billion mark.

Second, the percentage of the FDA budget spent each year in the regulation of devices has never exceeded 2 percent. In fact, this year the estimate is that less than 1 percent will be spent, the lowest figure to date—see table 2.

Third, in a survey of approximately 1,500 abstracts of articles appearing in scientific literature, 1,249 instances were found of untoward or unfavorable reactions as a result of the use of certain classes of medical devices—see table 3.

Fourth, the number of complaints received by the FDA is estimated to be only a small fraction of 1 percent of the total instances of device malfunction. A major reason for this is that a large majority of people, including physicians, do not know the FDA regulates devices: It is assumed, particularly by the physicians, that somebody in the Government okayed the device or it would not be on the market.

Fifth, as reported by Electronic News last January 27:

> At least three patients in United States hospitals are accidentally electrocuted each day. The total number of electrocutions annually is about 1,200.

These deaths are attributable to either faulty electrical medical devices or misuse of them.

Finally, Mr. Speaker, I would like to present to you excerpts from a medical abstract dramatizing the problems of getting bad medical instruments off the market when they are not regulated:

> The . . . Resuscitator is offered for use in "emergency first-aid situations," including heart attack, drowning, electrocution, smoke inhalation, chest injury, drug overdose, or any cause of respiratory stoppage.
>
> The doctor considered this particular brand of resuscitating device as "* * * unable to provide respiratory support * * * therefore * * * considered dangerous and * * * claims misrepresented."
>
> We are told that the firm had been informed by [doctor] of his opinion and in response discontinued manufacturing and distribution. However, no attempt was made to recall the unit. The firm has indicated that its final decision will be made after its gets in touch with the original designer of the device . . . which states in part "during clinical trials over the past two years, over 300 patients have had their respiratory exchange maintained from one to three hours without significant evidence of cyanosis, bradycardia, tachycardia, hypertension or hypercarbia."
>
> However, "the resuscitator lacks the exhalation vent in the mask described in the directions for use, and in our opinion use of the device as labeled involves a possible serious hazard."

In conclusion, Mr. Speaker, medical devices must be regulated, controlled, and redefined. My bill provides for all three. For the protection of the millions of consumers who each year come into contact with medical devices, I urge careful consideration of the Medical Device Safety Act of 1970.

TABLE 1.—*Device market, projected figures for 1970 based on Bureau of Census figures for 1967*

Projected rate of an 18 percent yearly increase in market:	*Million*
Surgical and medical institutions	$439.0
Surgical appliances and supplies	871.3
Rental equipment and supplies	209.0
X-ray apparatus and tubes	233.2
Ophthalmic goods	362.0
Clinical thermometers	7.38
Rubber sundries	91.0
Total	2,213.088
Projected on basis of 55 percent increase by 1970	1,217.636
Wholesale—FOB—value of shipments	3,431.516
Add 10 percent—usually more—markup at wholesale level and 33.3 percent—usually more—at retail level: Estimated retail value for 1970	$5,000.0

TABLE 2.—*Percent of FDA effort diverted to drugs and devices*

	Drugs	*Devices*
1957	35	1.4
1958	28	1.6
1959	25	1.8
1960	26	1.6
1961	28	1.5
1962	30	1.4
1963	(1)	1.8
1964	(1)	1.0
1970	40	[2]0.7

[1] Unknown.
[2] Estimate.

TABLE 3.—*Untoward reactions—not specific as to whether injury or death was the result; faulty design or misuse may have been the cause*

[Selected categories taken from card abstract file of articles in Scientific literature (approximately 1,500 abstracts).]

Anesthesia devices	60
Q2 & Hyperboric	105
Cardio-vascular	24
Catheters	60
Heart Values	110
Pacemakers	85
Electroshock	44
Contact lenses	39
Lasers	11
Dental	37
IUD's	122
Ozone	11
Prosthesis	47
Plastics	118
Silicones	55
Tubing	62
Surgical Gloves	15
Radiation	75
X-rays	85
Ultrasonics	26
Heat Devices	32
Ultra Violet	26
Total	1,249

THERE MUST BE A BETTER WAY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BUSH. Mr. Speaker, correcting criminal behavior is, and certainly should be, the primary goal of our jails, prisons, and juvenile detention centers. The situation in these institutions, however, is so bad that they foster the vicious cycle of criminal behavior rather than correcting it. If we are ever to successfully lick the crime problem in this country and cut into these soaring crime rates, we have to make our correctional systems into something better than a "revolving door process."

Further the costs of these institutions as they are now—unconstructive for the most part—is already at a point which we can no longer afford. This system which provides little incentive to keep anyone away from criminal behavior costs approximately $6,000 to $9,000 per year to keep a juvenile in an institution and about $3,000 or $4,000 for an adult offender.

Of the 358 penal and correctional facilities for adults in the United States, 61 were opened before 1900 and 25 are over 100 years old. Many of the physical facilities do not meet even the minimum standards of human decency. The situation in juvenile centers is not much better and the effect this must have on a young offender is particularly abhorrent to me. As Chief Justice Burger says, "There must be a better way." This is clearly the single most neglected element in the entire law enforcement process. Yet, I am convinced these institutions can provide an answer to the crime problem.

The Omnibus Crime Control and Safe Streets Act of 1968 took a small step in the right direction in making resources available to correctional facilities. But few States have shown real interest in these funds.

For this reason I am today introducing a bill amending the Omnibus Crime Control and Safe Streets Act directing $100,000,000 in fiscal year 1971 for construction of correctional institutions and facilities. The allocation formula would be the same as is in the current law—85 percent by block grant directly to the States based on need and population. The bill specifies that 50 percent of the funds must then be distributed to the cities and counties. Further, the bill authorizes increasing sums through fiscal year 1973.

DISARMAMENT CONFERENCE IN GENEVA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FRASER. Mr. Speaker, I am honored to receive your designation again as one of six House Members to act as adviser to the U.S. delegation to the Disarmament Conference in Geneva. Last July when I went to Geneva to attend the meetings of the 26-Nation Committee on Disarmament—formerly known as 18-Nation Disarmament Committee—it was obvious that advisers from Congress could serve a very useful role in consulting with our delegation and visiting with the delegates of other nations.

I am happy to serve again as a congressional adviser to the Geneva conference. Work begun last year to ban weapons of mass destruction on the seabed will be the first item of business at the conference.

Each nation will also be very much aware of the United States-Soviet talks on the limitation of strategic armaments being held in Vienna. If the two superpowers can prevent an arms race in nuclear weapons the safety of the world will be greatly improved. Quick action in Vienna to head off the development of MIRV's and ABM systems is vital.

The 26 nations meeting in Geneva will certainly want to continue their work on banning biological weapons and greater control and limitations on chemical weapons.

The convention to ban the use, production, and possession of biological warfare proposed last August by the United Kingdom should be agreed to in Geneva. I will be urging the U.S. delegation to support this proposal firmly.

A comprehensive ban on the testing of nuclear weapons is another priority item for the committee sessions in Geneva. New techniques for determining underground nuclear explosions should make it easier for the nations to agree. There now will be less need for visiting other nations and making on-site inspections.

The control of conventional arms should not be neglected. In 1969 the nations of the world spent $200 billion on armaments compared with $120 billion in 1962. Only a small fraction of that expense is for strategic weapons. The committee at Geneva must address itself to steps designed to limit conventional arms construction and sales.

The 1970's provide our greatest challenge and opportunities for significant work in the field of arms control and disarmament. I am most happy to serve the Congress and the U.S. Government at the Geneva Conference.

NATIONAL PRIORITIES DEMAND NEW APPROACH BY CONGRESS TO MILITARY APPROPRIATIONS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, I have strenuously and consistently called for urgent attention to the issue of national priorities. As I said on the floor of the House last October 9:

> On issue after issue, from Vietnam to the antiballistic missile, to the supersonic transport, to housing, food stamps and social security, I have consistently pointed out that we are giving too much priority to the wrong things and not enough to the right ones.

Clearly, the most basic misallocation of funds lies in the enormous amounts of money appropriated to the military. Billions of dollars are spent on questionable defense systems—questionable both because they often are of negligible effectiveness; because they are often of limited utility; because they spur the arms race; and because they divert essential resources from our domestic needs. The $30 billion a year spent on Vietnam is particularly unacceptable, financing a misbegotten war which should have never begun and which must be immediately terminated.

To enable Congress and the public to focus effectively on the proper allocation of our resources, and particularly the misallocation of them to the military, I joined last fall in three significant measures. Last October 13, 28 of my colleagues joined me in sponsoring H.R. 14325, a bill to establish a Temporary National Security Commission. The premise on which this bill is based is that Congress must exercise control over military policy and use available technical and scholarly expertise in analyzing the military budget and the policies which determine our priorities. The establishment of the Temporary National Security Commission will enable Congress to assert its proper role in the determination of foreign and military policy and thereby in the determination of our national priorities.

On the same day, October 13, I joined with 27 of my colleagues to introduce H.R. 14319, which establishes an Office of Defense Review. This Office would provide a source of independent, technically qualified evaluation of Defense Department programs, as presented in the Department of Defense budget requests to the Congress. The complexity of the 167-page report released on February 20, representing Defense Secretary Laird's fiscal year 1971 Defense program and budget, is a clear testimony to the need for such an office.

On October 13 I also joined in introducing House Joint Resolution 950, to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation. The committee would be able to suggest national objectives and the allocation of resources needed to obtain those objectives, and to suggest legislation and other governmental actions needed to better serve the Nation's priorities. As Congressman ECKHARDT stated on the floor:

> The joint committee would give us the benefit of an informed overview of national needs and national resources. It would be a valuable first step in more intelligently matching our needs and our resources.

Although attention to the issue of national priorities has been growing, this administration is proceeding on an unacceptable course, particularly in the continuing emphasis on military spending.

I include at this point in the RECORD an article by Max Frankel which appeared in the February 24 edition of the New York Times. I commend it to my colleagues as a reasoned, thoughtful discussion. I particularly point to Max Frankel's observation that "no satisfactory method will be found to establish priorities as long as complex and usually secret calculations of military necessity form one side of the priority equation." A clear step in answering this problem would be passage of H.R. 14323, H.R. 14319, and House Joint Resolution 950.

THE "NATIONAL PRIORITIES" PROBLEM

(By Max Frankel)

WASHINGTON, February 23.—It has become fashionable in weighty Government declarations nowadays to dwell at some length on the subjects of "national priorities" and "resource allocation." The reason is that everyone here worries about the competing claims of large military and nonmilitary programs without quite knowing how to resolve them.

President Nixon has addressed the problem in describing the state of the world, the state of the union and the state of his treasury. Budget Bureau officials, past and present, have described the difficulties of judging the rival merits of, say, another aircraft carrier as against some more low-income housing projects.

Even Defense Secretary Melvin R. Laird, in defending the military budget last week, wrote sympathetically about the need for more social spending and the lack of a system to sort out priorities.

Yet the essential conclusion of these Government statements—reinforced by the informal comments of high-ranking officials—is that no satisfactory method will be found as long as complex and usually secret calculations of military necessity form one side of the priority equation.

NIXON CONCEDES PROBLEM

The President reported with some satisfaction in his budget message last month that spending on "human resources" would soon exceed military spending for the first time in many years. But this statistic depends more on a shift of definitions than on a shift of preferences.

In his State of the World Message last week, Mr. Nixon readily conceded that "we have no precise way of measuring whether extra dollars spent for defense are more important than extra dollars spent for other needs."

That document did describe one Presidential effort to make at least a crude judgment on priorities. It said that five different strategies for nonnuclear military forces had been compared with five possible levels of domestic spending and that two of the military plans had been rejected because they would have thwarted vital domestic programs.

But as described by officials, even this rudimentary exercise began with the Defense Department's own definition of "irreducible" military outlays. The same will be true in more refined discussions of priorities in the future, officials said, and there is no plan to arrange for the direct confrontation of competing claimants.

TENDENCY TO OVER-REQUEST

This year's priority exercise was conducted in the National Security Council after an exchange of papers with the Government's domestic departments. Yet even Mr. Laird doubts that this is the proper arena for a fair contest.

"Since studies within the N.S.C. and the Department of Defense focus on requirements," he wrote in his military posture report last Friday, "there is a built-in tendency to request more resources than are available."

Only the President and Congress should be expected to make the final priority decisions, Mr. Laird said, conceding that there was no "appropriate mechanism for weighing one Federal program against others within the context of the budget as a whole or in an appropriate time frame."

Mr. Laird, admittedly afraid that the pressure for more domestic spending would result in arbitrary and injurious cuts in military spending, came close to deploring the tax cuts that the Congress and Mr. Nixon approved for the next few years. Tax cuts are in fact expenditures, he pointed out, and "tax spending should meet the same criteria for resource allocation as direct spending, but we have no mechanism for considering them together."

SOME STRONGER CRITICISM

With this statement, the Secretary came close to endorsing the much more outspoken criticism of Government procedures recently heard in Congress and among liberal economists, notably two alumni of the Johnson Administration—Arthur M. Okum, the for-

mer chairman of the Council of Economic Advisers, and Charles L. Schultze, former budget director.

Here is how Mr. Okun describes the problem in a review of his years in the White House, "The Political Economy of Prosperity":

"The absurd battle between defense and the cities arises because we insist on rather stable tax rates and hence on a relatively constant Federal share of our national product. Thus defense and nondefense programs are plunged into a direct tug-of-war for a fixed volume of budgetary resources. This is surely the greatest paradox of resource allocations in our society.

"Defense spending—with its 9 per cent of G.N.P. [Gross National Products]—is pitted against nondefense Federal, State and local expenditures—with their 14 per cent of G.N.P.—while the big 77 per cent of our G.N.P. that goes into private spending remains a bystander. And because controllable Federal civilian spending is concentrated in aid to cities and the poor, the bulk of the pressure is exerted on about 5 per cent of our G.N.P.

"When defense goes down, efforts to assist the cities and the poor can go up. When defense goes up, we seem to expect the belt-tightening to be concentrated in these social programs."

NOT REALLY "VILLAINS"

Politically, Mr. Okun writes, this tug-of-war forces civil rights leaders and others working for social programs to lead the assault on military spending and wrongly casts military planners as the "villains" who bar social progress.

He believes that the either-or contest between defense and nondefense spending must be abolished by earmarking future revenues resulting from economic growth for public civilian use. Thereafter, he would reduce taxes only to the extent that savings could be found in the military budget and he would raise taxes to the extent that increases in military spending were deemed necessary.

Mr. Okun implies that this would compel the Government to arrange the kind of private and public review of military assumptions and plans that Mr. Schultze has found lacking in his review of procedures. The changes in the budget and other review procedures that Mr. Nixon has ordered so far will not get at the basic problem, Mr. Schultze believes.

In the winter issue of the quarterly, The Public Interest, Mr. Schultze wrote: "Do not think that once a decision has been made on commitments, that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies, that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process."

POSITIVE FIGURES URGED

Mr. Schultze would require the Defense Department to provide explicit estimates of the future costs of projected commitments to manpower and weapons. He has also asked Congress to create procedures to weigh the priority decisions embedded in Government policies and requests.

Yet the men supervising national security planning insist that the complexity and necessary secrecy of their work makes full-scale public review of their assumptions extremely difficult, if not impossible. And even simpler proposals for reform of the Congressional committee system and appropriation procedure have gone nowhere in recent years.

It is conceded here on all sides that the public's sense of domestic as well as foreign danger has finally focused attention on the priority problem. Social planners feel frustrated by the shortage of funds for new initiatives in the foreseeable future and defense planners are afraid that "expediency"—in Mr. Laird's word—will lead to arbitrary cutbacks at the Pentagon.

But no one has yet demonstrated that recognition of the problem has led to effective measures to resolve it.

WHERE'S THE BOSS?

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. DELANEY. Mr. Speaker, those of us who have been privileged to be closely associated with the Honorable James A. Farley, the distinguished former Postmaster General and exemplary prior chairman of the Democratic National Committee, are well aware of his unique leadership qualities. In this regard, I believe my colleagues might find of interest the attached article by a student of political leadership, Mr. William J. Ryan, which places Jim Farley in historic perspective "as one of the most successful political organizers in American history."

The article, which appeared in the Barre-Montpelier, Vt., Times-Argus, follows:

HANNA AND FARLEY CONSIDERED BEST OF AMERICA'S POLITICAL BOSSES

The weekly meeting of "The Club," held at the Montpelier Tavern Motor Inn, Saturday, Jan. 10, had Lloyd T. Hayward as host.

William J. Ryan was speaker. He chose "Where's the Boss?" as the title of his paper. He said: "The political boss is more or less a peculiarly American phenomenon. At least, bosses as we know them thrive only in a free society and the boss appears to have had less sway in other free governments than he had in ours. It seems to me that the era of boss dominance ran from about 1840 to 1940 and that the boss system reached its peak between 1880 and 1930. . . . Party spokesmen have always taken great pleasure in describing leaders of the opposition as bosses. They have delighted in calling the opposing organization a machine. However, bosses have existed in both parties and, despite some glaring defects among the bosses of both parties, I am convinced that they met a real need. The boss had to deal with life as he found it. . . . It is also impossible to name the best although a few can be cited as examples of great accomplishment. It seems to me that Mark Hanna and Jim Farley are perhaps the best examples of the better type of boss. Both were men of unusual capacity, great energy and accomplishment in varied fields."

"As McKinley's tutor and organizer, Hanna proclaimed much of the philosophy which McKinley embraced. I think it is both inaccurate and unfair to say he made decisions for McKinley. They were both men of the Post Civil War Period, products of Ohio industrial development, conservative by nature. McKinley at times during his career had taken stands which alienated many conservative supporters and he always made it known that he would repeat if he felt such action was warranted.

"Hanna sincerely thought that conservative governmental policies helped to create an economy in which farmers would prosper, business would make money and working men would find employment at good wages. . . . Hanna urged his follow industrialists to raise wages as a campaign tactic in 1896. . . ."

"I think it is no accident the time span of 1840–1940 saw the greatest immigration in the history of the world, the Western movement of Americans and America's unparallel industrial expansion. All these factors made great contributions to our destiny, and created complications which were most difficult to resolve. . . .

". . . Language barriers in the industrial cities added to the adjustment problems and the political party which wanted to win and keep winning had to create an organization on a scale which would have both surprised and irritated the founding fathers. The keynote was voter contact, which had to be maintained by thousands of party workers, and those party workers had to be organized and directed by those capable of seeing, the big picture. The organization or machine with its leaders or bosses inevitably resulted. Its absence would have left many thousands politically adrift in a strange land, and their assimilation would have been much more difficult.

"I think the boss and the so-called professional politicians with whom he worked made many contributions too seldom recognized. Essentially, I believe their greatest contribution resulted from the fact that they knew the people with whom they were dealing and that the boss knew the probable political behavior of those whom he groomed for elective or appointive office. Some mistakes were made but this sort of knowledge helped bring a degree of stability into a potentially explosive situation.

"One of the frequently stated objectives of the New Deal social policies was replacement of the ward worker by the social worker. This has been done to a large extent and I think an objective observer had to agree that there is still doubt whether the change was beneficial. The ward worker, with all the evils to which he was exposed and the lack of vision which frequently limited his judgment, was able to achieve a practical working relationship with those who needed help.

"Hanna's early career had been marked by more application to business than to public affairs, but he early developed a keen political interest and great political aptitude. . . . He also became more keenly aware of the effect which government policies could have on the economy and he became determined to do all that he could to insure that that effect would be good as he defined the word.

"Hanna, a marked conservative by today's standards, was considered liberal and even dangerously liberal by some of his contemporaries. . . . A political leader must fight his most savage battles in his own bailiwick. Hanna's stature as a dominant Republican on the National level was based to a large extent on his power in the growing and prosperous state of Ohio. . . . The 1896 campaign was the most carefully planned and expensively conducted to that date in history. The Republican National Committee raised and spent over $3,500,000, a staggering sum in that era. . . . McKinley's 'front porch' campaign with the candidate staying at home and greeting visitors from across the land appeared to represent a dangerous experiment. It was new but much less was left to chance than appeared. . . . Hanna had campaign literature translated into several languages, appropriately adapted in each instance to stress the interest of the group to whom it was addressed. . . . He insisted that a major party had to be the party 'of all Americans' and that the steps to reach those behind the language barrier were not only justified but required. . . . McKinley was elected, and also followed his other campaign tactics, being determined that his organization would not only be preserved but improved so that it could do an even better job for McKinley in 1900.

"Hanna's maneuvering in the late 1890's included steps to get himself first appointed

and then elected by the Ohio Legislature to the United States Senate. . . . He felt that he could devote full time to public affairs . . . and that to be in Washington he would work closely with the President and to direct the National Committee. They (Hanna and McKinley) were men with great similarity in viewpoint. . . . The city bosses exerted great influence over many members of the Congress and a President who wanted to effectively lead his people could ill afford to risk his progress by needless feuding with those whose opinions were valued by the men who had to pass on his suggestions for national policy.

"Abraham Lincoln, one of the truly great Presidents in American history by any standard, worked closely with bosses and organization people, especially in the months leading up to his nomination in 1860. Judge David Davis, his principal manager, was a shrewd and far-seeing man, an individual of undoubted integrity and later a distinguished Justice of the United States Supreme Court. . . .

"Military association through Veterans' groups formed a strong link in the developing party system. . . . In the Civil War, Hanna was drafted. He accepted the call, joined his regiment and was commissioned a lieutenant soon after the regiment was organized. The regiment did not participate in any noted engagements but that was the result of the fortunes of war. Hanna for many years did not join the GAR. He finally did at the urging of McKinley who told him that many former soldiers felt that Hanna had no regard for them because of his refusal to associate himself with them. McKinley, himself had served throughout the War, had been decorated and was an active GAR leader. . . .

"The boss, or the leader, was expected to do much of the work of lining up an effective ticket. I think that many of the more successful bosses performed their greatest service in this field. The boss exercised great care, and usually good judgment, in urging the candidacy of individuals who could appeal as candidates and perform properly as office holders. Here, his knowledge of people and their probable political behavior was all important. . . . The individual who succeeded in getting the party to nominate the candidate of his choice for major office usually became the head of the party organization. Thus Hanna . . . became national chairman after McKinley was nominated for president in 1896 . . . His first real victory was securing the nomination and election of McKinley in 1891 as governor in Ohio. . . .

"Hanna attended the Republican National Convention of 1892 . . . and made it clear that the party and nation could well look to Ohio and William McKinley. He made no effort to prevent the renomination of President Harrison, recognizing the fruitlessness of opposition to a president in office. . . . Harrison lost to Grover Cleveland and the day after the election of 1893 Hanna began his planning for 1896. He told McKinley that a depression was in prospect and that it was regrettable but that it would be politically helpful. That depression almost removed McKinley from politics.

"McKinley had been a poor boy . . . Scrupulously honest, he had never accepted financial return for his official actions and his estate was modest. He had throughout his career been unusually free in assisting others, and free to the point of danger in endorsing notes for friends who needed help. Several of his friends had businesses which failed in 1893. One of them was a large failure, and McKinley found that his name was on delinquent paper in excess of $100,000. The people for whom he had signed were broke and he himself did not have $100,000. McKinley told his creditors that aggressive action would force him into bankruptcy, but that he would resign as governor, sell his house and move into modest quarters and apply himself to law practice to earn money to pay off his obligations. This plan was acceptable to the creditors but when Hanna heard of it he told McKinley he wanted to take care of the debts. McKinley told Hanna he did not want to remain in public life so heavily indebted to any man, even so good a friend as Hanna. It was finally determined that Hanna would raise the money by contacts with men who could afford to help. In a relatively short time the debts were paid. . . .

"Hanna was a money-maker, a money-raiser, and a money-spender . . . He always said that money was good only when used, that he had been without it and had no fear for it . . . In 1895, Hanna retired from active business . . . Hanna had acquired a pleasant winter home at Thomasville, Ga. He went there, had McKinley visit him for rather extended periods and entertained Southern political leaders. Hanna reasoned that the 'Solid South' on which the Democrats counted could create an equally solid segment and represent the balance of power in any closely contested Republican National Convention. . . .

"The 1893 depression had made the country ready for change. Bryans' money policy frightened many Democrats who would have otherwise supported him and Hanna's campaign was a real masterpiece. . . .

"After the victory of 1896, it became apparent to everyone that McKinley would readily grant any wish that Hanna expressed. Hanna expressed none and he made it clear to McKinley that he would not accept a Cabinet post or an appointment as ambassador and that a public offer of such a place would embarrass him and reduce his effectiveness . . . Senator John Sherman of Ohio became Secretary of State and Hanna was appointed to fill Sherman's seat. He was elected to a six-year term in 1896.

"The election of 1900 represented little problem for Hanna once the Vice Presidential nomination was determined. The country had been prosperous, the Spanish-American War and the Philippine insurrection were accepted as a combination of America's duties under the Doctrine of Manifest Destiny and the price of progress and McKinley himself retained the great personal appeal he had always had. He won easily. Hanna became a recognized force in the United States Senate.

"Hanna's Democratic counterpart, James A. Farley, was an Easterner born and raised near New York City. Farley, like Hanna displayed business capacity as well as political organizing ability. He frequently remarked that he could not understand why his friends did not accept the fact that politics was hard work. Farley, now 81 and still vigorous, likes to remind his business friends that one of the political jobs he gave himself was to carefully remember names and faces and enough about the persons concerned so that he could open an interesting conversation with everyone of them. At the height of his political activity, it was generally agreed that Farley was acquainted on such terms with at least a quarter of a million people.

"Farley defines the responsibility of political leadership at the higher levels as the bringing of information, encouragement and practical help to those working at the precinct level.

"Farley had been among those urging Franklin Roosevelt to run for governor of New York in 1928 to strengthen the ticket. . . . During those years, Farley as state chairman had been drawn into close contact with Louis McHenry Howe, a former newspaperman who was Roosevelt's secretary and who had probably been the first to see Roosevelt as a potential president. . . . They developed a liking and mutual respect for each other and their cooperation was close and effective. . . .

"On the heels of the 1930 election Farley and Howe issued a statement calling attention to Roosevelt's margin, citing it as evidence of recognition of his worth to fellow New Yorkers and suggesting that the party and the country would do well to choose him for the Presidency in 1932. . . . During the next two years, he traveled more than 50,000 miles for political purposes and established personal contact with very country chairman in the country . . . As a result of his extensive correspondence with and frequent visits to party workers down to and frequently below the county level, Farley was able to feel confident that few people would attend the 1932 Democratic National Convention without knowing him or knowing that he had been in close contact with their friends and associates at home. . . . Roosevelt was nominated for President . . . and elected in November. Farley became Postmaster General. . . .

"The 1936 sweep established Farley as one of the most successful political organizers in American history, but it deepened the chasm between him and the New Dealers.

"I do not think that either party has since produced a national organizer to match Hanna and Farley. Part of the reason for this is the fact that Hanna and Farley were men of historic stature and each approached politics with the same degree of energy and determination which has characterized his business activity. More important, I think that the national mood has changed so that the emergence of an undisputed and dominant organizational leader would be less acceptable. Many citizens flatter themselves and feel that the country has progressed beyond the stage of highly organized politics.

"I do not share this viewpoint. No objective observer can claim perfection for any political system, or for anything else created and operated by imperfect human beings. However, the two-party system has served America for over a century, and, despite the wide range of opinion gathered under each party banner, it has given the nation a structure which has permitted significant choice on election day.

"The alternative to an effective party system is the development of individual leaders with followings who will ignore party or other organizational lines. An individual capable of achieving such results should be encouraged but that type of individual would be aided or encouraged by either party. In addition, he would exercise his talents within a framework which could provide orderly continuity after he died or retired or was defeated. The absence of such a framework could lead to chaos.

"I think several things have contributed to the decline of the boss system as we knew it during the century of America's great expansion and development. The reduction of immigration, the absorption of former immigrants and their children into American life and improving economic conditions all played a part. I believe the greatest part was played by the New Deal and the social problems it inaugurated. In truth, the social worker has replaced the ward worker. I hope the change will prove to be for the better but we all have much to do before we can be sure of that!

"So, when we ask 'Where's the Boss?' in a political sense the answer has to be that he's gone or going and appears unlikely to be replaced. With all his fault, the Boss made great contributions to American life. None of us can afford to ignore the void created, or to be complacent about the supposed improvement."

RADEMACHER ON FEDERAL LABOR RELATIONS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. NIX. Mr. Speaker, there has been a great deal of confusion on the subject of Federal labor relations. The administration has adopted at least three dif-

ferent positions on the Federal Government's relations with its employees.

Postmaster General Blount, one of the most influential members of the Nixon Cabinet, would be willing to negotiate with postal employees on a regional basis on all subjects, including wages and matters as sensitive as a postal labor shop wherein postal employees could be obliged to join a union.

President Nixon signed an Executive Order 11491, which states as one of its goals the maintaining of the right by all Government employees to join or refuse to join a union.

The new Executive order is a complete plan and it does not envision the day when wage negotiations would take place.

On the other hand, individuals on the White House staff agreed with some union leaders to support a restoration of the 10-year-old Executive Order 10988 on a temporary basis.

The best analysis of this situation which I have seen, is contained in a speech by James Rademacher, president of the National Association of Letter Carriers at the University of Kentucky on November 24, 1969.

Mr. Rademacher is an outstanding labor leader. Many of our Federal employee leaders are among the best in the country. They certainly have a difficult job.

Postal employees make $2,000 a year less than garbage collectors in the city of New York. Federal employees generally are 18 months behind other workers in comparative wage scales. The national economy is suffering at the present time from a combined inflation and recession. Yet the Director of the Bureau of the Budget has stated to a committee of the Congress that Federal employees should sacrifice a deserved wage increase on July 1, for at least 6 months in order to set an example for the country.

The example set is that of a tight-fisted employer. It is an example being set for "Big Business" which, I suppose, means that the President of the United States wants wage increases resisted in coming negotiations. All-out resistance by management can only result in a wave of strikes, which would not help anyone.

It seems to me that we have to end the confusion fostered in this field by big as well as little bureaucrats. Government labor relations must be governed by law. This view is discussed in the Rademacher speech, and I insert it in the RECORD at this point:

REMARKS OF JAMES H. RADEMACHER TO UNIVERSITY OF KENTUCKY LABOR RELATIONS SYMPOSIUM

(NOTE.—The following remarks were delivered by James H. Rademacher, president of the National Association of Letter Carriers, to a conference entitled Labor-Management Relations in the Public Sector, sponsored by the University of Kentucky, Nov. 14 and 15, 1969.)

I want to start out with a little mystery that interests me and I think it is going to interest you. This is contained in a 65-page document entitled "Labor-Management Relations in the Federal Service" which is the report of the study committee which led to the issuance of Executive Order 11491.

On page 6 of that document you'll find that there are four names; then, a couple of pages later you will find a list of the members of the Study Committee. I want to call something interesting to your attention: the list of the members of the Study Committee includes the Honorable Winton M. Blount, Postmaster General; but if you turn back two pages to page 6, you notice that there is a mysterious absence of the name of the Honorable William M. Blount from the list of people who unanimously submitted this report and recommendations to the President, people like the Secretary of Defense; the Secretary of Labor; the Director of the Bureau of the Budget; and the Chairman of the U.S. Civil Service Commission.

Now, maybe the same thing is occurring to you that occurs to me; that is, that there is a possibility that Mr. Blount *refused* to sign the report and recommendations after having worked on it. Now, what this means is difficult to say. As one clue to the mystery of *why* he might not have signed it, on page 5, you will find a statement that says "These recommendations represent our unanimous judgment. We believe that their adoption will strengthen the usefulness of labor-management relations as a constructive force in matters affecting the well-being of employees, in full compatibility with the civil service merit system which remains the cornerstone of governmental personnel policy." Of course, it remains the cornerstone of governmental personnel *policy* for every governmental *agency* except the Post Office Department which seeks to turn this agency of government over to a public corporation. It is perhaps this sentence that Mr. Blount found impossible to swallow and to recommend.

As to the Executive Order itself, the first sentence in the preamble reads, in part: "Whereas the public interest requires high standards of employee performance . . ." This is a new phrase in President Nixon's Executive Order 11491, that was not found in President Kennedy's Executive Order 10988.

The emphasis in President Kennedy's Executive Order 10988 was on employee participation in determining personnel policies to promote the effective conduct of the public business. It is interesting to note that *that phrase* from Executive Order 10988 has been eliminated from 11491 and the phrase "Whereas the public interest requires high standards of employee performance," is substituted for it. This must have been done *deliberately* and it seems to me that the substitution has the effect of casting a reflection on the efficiency and the work performance of federal government employees and at the same time casting doubt on the desirability of employee participation in the determination of federal personnel policies. The effect as I see it is to take a harder line towards federal government employees and their unions as compared to the official policy for the previous seven years and nine months.

This reflects the difference in attitude towards federal employees and unions as between the Nixon administration and the previous Kennedy-Johnson administrations.

Section 1(b) of the Order contains stronger language than Executive Order 10988 to prohibit supervisors from acting as union officers or representatives. This stronger language conforms more to the practice in private industry; it should be noted that an effort has been made in this Order to conform federal government labor relations to practices in the private sector where it would *benefit the government* and possibly make it more difficult for unions to operate.

Section 2(e)(2) contains a prohibition on unions *asserting* the right to strike against the U.S. Government or any agency thereof. This provision, of course, as a result of a recent U.S. District Court ruling makes 2(e)(2) unconstitutional, but there is a question raised as to what can be done about it. Can you attack a provision of an Executive Order on the grounds that it is unconstitutional? I've heard that you can't go to court to have an Executive Order declared illegal or unconstitutional. True the Executive Order was out only one day when we were successful in having part of it declared unconstitutional.

Section 4 of the Order establishes a Federal Labor Relations Council consisting of the Chairman of the Civil Service Commission, the Secretary of Labor and an unnamed official of the Executive Office of the President.

This Council will administer the Order, decide major policy issues, prescribe regulations, decide certain negotiability issues, decide exceptions to arbitration awards, and consider appeals to certain decisions of the Assistant Secretary of Labor for Labor-Management Relations. In other words, the Council is the final appeals body in this Order in regard to most major labor-management problems in federal service, except negotiation impasses on substantative issues which are dealt with in Section 5 by the Federal Service Impasses Panel (FSIP).

Please note that the FSIP supposedly is going to be composed of professional labor-management experts as contrasted to the Council which is composed of politicians. All are appointed by the President of the United States and are responsible to him. Incidentally, I don't see any term of office for FSIP panel members. It seems to me this is a great weakness in the Order. A panel member could presumably be appointed one day by the President and be removed by him the next day, so that if the President doesn't like a decision of a member of the Panel apparently there is nothing to keep the President from firing him. There is no job security at all for FSIP panel members as far as I can see. This puts the members of the panel strictly under the thumb of the President who is rumored, occasionally, to be a political animal.

But I am getting ahead of myself. There is another point to be made about the Council (the FLRC): I think it's doubtful whether these three busy men designated to do the work of the Federal Labor Relations Council will have the time to study the issues that come before them and to make the decisions that must be made. Undoubtedly this will be done by underlings designated for this purpose. Thus, instead of elevating the importance of labor-management relations in the Federal government, this Order will have the effect of downgrading them and thus of delaying the solution to these problems.

Section 5, establishes a Federal Service Impasses Panel of at least three members appointed by the President. The Panel is authorized to prescribe means to settle negotiations impasses and to take any action it considers necessary to settle an impasse. Unions and management may negotiate techniques to assist in resolving impasses (Section 11(a)), but arbitration or fact finding with recommendations are not permitted in these disputes except when specifically authorized by the Panel (See Section 17). This is something new, which on its face appears to be a forward step and an improvement on Executive Order 10988 under which agency management itself decided negotiations impasses to which it was a party.

That was a great fault in the working out of Executive Order 10988. Now, they are going to set up this Panel outside any federal government agency to decide negotiations impasses and on the surface it looks like a step forward. I think questions may legitimately be raised as to: (1) the staffing of this panel; (2) the time limits, if any, which will be attached to its work, because some negotiation impasses have taken two years to resolve under the present set up; and (3) the ability and willingness of this panel to handle the enormous workload certain to descend upon it under Executive Order 11491. The answer to these questions will indicate the true determination of the Nixon Administration actually to take a step forward in labor-management relations in the federal service. In other words, how much money, and time and effort will actually be expended despite budgetary limitations, manpower limitations,

and time limitations? It will be interesting to see the answers to those questions. In the meantime, we are told that the Impasses Panel will be composed of part-time panel members, at least to begin with.

Section 6, designates the Assistant Secretary of Labor for Labor-Management Relations to decide unit and representation disputes, to supervise elections, to decide eligibility for "national consultation rights," to decide unfair labor practice complaints and to decide alleged violations by labor unions of the prescribed standards of conduct. (Decisions of the Assistant Secretary of Labor may be appealed by unions or agency management to the Federal Labor Relations Council (see Section 4(c)(1).)

This is a very important position in the new Executive Order. There is no indication that this is going to be a full-time job either, and the question is raised whether the Assistant Secretary of Labor will be able to devote all his time and energies to the duties outlined in Section 6 without the distractions of other duties imposed upon him due to his being located in the Department of Labor. It is extremely important whether or not this person is going to be a full-time man, able to devote *all* of his time to these problems or whether this is just window-dressing. This guy is supposed to make all these decisions and it could turn out that he is in Bolivia half the time and the other half the time he is enforcing some provisions relating to private industry. So, there is a question as to what the job duties of this Assistant Secretary are going to be and it's very, very important to us just exactly what he does with his time during a work-day.

President Nixon has set up a very cheap (and I mean inexpensive) arrangement in Executive Order 11491 to decide the collective bargaining rights of close to 2½ million Federal government civilians employees. It is yet to be determined whether it will work. In the meantime, President Nixon has dealt a blow to the movement to achieve labor-management by law, since one of the effects of the issuance of this Executive Order will be to slow down and perhaps temporarily to halt congressional consideration of this subject pending study of the effects of this Executive Order.

Section 7, continues the 12-month rule on holding elections in employee units set up for the purposes of collective bargaining. In other words, you can't have an election in a unit more than once each 12 months. Employees will continue to enjoy the right of self-representation and freedom of choice of a representative in grievances and appeals [see Section 7(d)(1)].

In addition, organizations of supervisors may not be accorded consultation rights within the framework of labor-management relations. However, Section 24 provides continued recognition of management or supervisory associations presently recognized by the U.S. government. There is a question about the future of these management and supervisory organizations. It's going to be left to the Council to make recommendations on that subject.

Section 7 read together with Section 24(b) states that *informal* recognition of labor organization is to be terminated on July 1, 1970. *Formal* recognition is also to be ended under Section 8 of the Executive Order. Formal recognition is supposed to be ended by regulations which must be issued by the Council before October 1, 1970. This is in Section 24(c). However, we can expect the formal and informal employee organizations to struggle against this death sentence, maybe with some success.

Section 9 deals with "National Consultation Rights." This is something that is subject to a lot of misinterpretation. First of all, "National Consultation Rights" are intended to be a substitute for formal recognition. Such rights are going to be based on criteria as yet unannounced; criteria that will be established by the Council (the FLRC). However, such "National Consultation Rights" may *not* be awarded for any unit represented by a national exclusive organization, so that if the UFPC continues to have national exclusive recognition among the postal clerks, this provision would seem to prevent the NPU from getting "National Consultation Rights." "National Consultation Rights" are to be granted to labor organizations which represent a "substantial number" of employees of an agency. Questions of eligibility of unions for national consultation rights will be referred to the Assistant Secretary of Labor for decision.

Section 10, talks about granting exclusive recognition hereafter as the result of secret ballot elections on the basis of a majority vote of those voting. The requirement that ballots be cast by at least 60% of the eligible employees in the unit is done away with.

Section 11, the requirement of negotiation of agreements is broadened to include negotiations *in good faith* on the part of both management and labor unions having exclusive recognition.

The broad management rights clause which gave unions so much trouble under Executive Order 10988 is continued in the new Executive Order, in fact it has been broadened by the addition of "internal security practices" among the prohibited areas of negotiations, although the phrase "assignment of personnel" has been taken out of the new Order. Issues of non-negotiability at the local levels are to be decided by the head of an agency. That's in 11(c)(2) and his decision is final if he bases his decision on his interpretation of his agency's regulations (see 11(c)(3)). That provision is going to give us a lot of trouble, because, undoubtedly, in an effort to make his decisions on non-negotiability final, he is going to base it on his interpretation of that agency's regulations. A union may appeal to the Council if it disagrees with the decision of the agency head in regard to non-negotiability; matters affecting law, regulations of authorities outside the agency (such as U.S. Civil Service Commission rules and regulations); or the Executive Order. That is in 11(c)(4).

The Report and Recommendations of the Study Committee recommends that government agencies and labor unions should be free to engage in joint negotiations on a multi-unit basis. (That is *not* in the Executive Order, that is in the separate Report.) This matter of joint negotiations on a multi-unit basis is very interesting because some Post Office Department Officials have been saying recently that they are in favor of regional negotiations and regional contracts rather than local negotiations. It could be a very bad thing for unions to abandon local negotiations in favor of regional negotiations. On joint negotiations I don't think we have anything to worry about. Many local unions in the federal government, especially in the Post Office Department have engaged in joint negotiations, for example, in negotiating a single contract to cover clerks and carriers in Kansas City, Missouri. However, some unions in the federal government may have to consider consolidating small locals or branches. For example: take a Branch of three people; they will have to fill out financial reports, bonding papers, and so on. I can see certain Branches going out of existence rather than taking the time and effort necessary to fill out financial reports. Furthermore, it might be easier to get a good contract out of the joint efforts of ten three-member branches if they join together to negotiate than if they negotiated ten separate agreements. This would require union constitutional changes, of course, and they should be thought about.

Section 14: Negotiated procedures may provide for arbitration of employee grievances and for arbitration of disputes over the interpretation of existing agreements. However, disputes over agency policy or items which are the subject of negotiations cannot be arbitrated under the Order. An employee's grievance may only be arbitrated with the approval of the employee and the agreement of the exclusive labor organization. The arbitration costs are to be shared equally by the parties. Either party may file exceptions to the arbitrator's award with the Council, under regulations to be prescribed by the Council. The Study Committee recommended that an arbitrator's decision may be reversed only on grounds similar to those applied by courts in private sector labor-management relations. In the private sector, an arbitrator's award would be sustained by a court *except* where one of the parties could show that the arbitrator was guilty of fraud, exceeded his legal authority, etc. This is just a recommendation of the Study Committee. It will be interesting to see what regulations the Council will issue on this section of the Order and whether effective final and binding arbitration will be accepted by the federal government. Although the newspapers have talked about final and binding arbitration being in the Order, it *doesn't* have to be *final and binding* arbitration under Executive Order 11491, as the Order is written. We shall see.

Section 16: The Federal Mediation and Conciliation Service is directed to assist labor and management to resolve negotiations disputes and impasses. This help is to be rendered without charge to the parties at the local or national levels.

Section 17: Unresolved negotiation impasses may be referred by either party to the FSIP. This Impasse Panel may recommend procedures to help resolve the impasse or it may resolve the impasse itself. Arbitration or third-party fact finding with recommendations may be used by the parties only when authorized or directed by the Panel. Impasses at the local level may be referred to this impasse panel but they will probably go through a "strainer," that is, procedures agreed to by both parties before impasses get up to the Impasse Panel.

Section 18: The standards of conduct of labor organizations are broadened to include the filing of financial and other reports and the bonding of union officials and employees. The Assistant Secretary of Labor will decide alleged violations of these provisions (also see Section 6(a)(4)). These provisions of the Order place *burdens* on federal government employee unions that are similar to obligations of private sector unions under the National Labor Relations Act, without conferring certain *balancing benefits* enjoyed by labor organizations in private industry, such as the right to strike.

Section 19: Specifies unfair labor practices of management and unions including the refusal to consult, confer or negotiate with the other party, as required by the Executive Order. A union is prohibited to call or to engage in a strike, work stoppage or slowdown. Under Section 19(b)(4) a union is forbidden to picket an agency in a labor-management dispute or to condone such activity by failing to take affirmative action to prevent or stop picketing or strikes. If they are talking about picketing an agency in a labor-management dispute that is actually on illegal strike, I think it might be their legal right to prohibit that; but, I think that the words "picket an agency in a labor-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it," are unconstitutionally vague. This provision of the Order seems to attempt to prevent picketing which arises out of *any* dispute between employees and the government agency, not just a strike.

Furthermore, to force union representatives to try to stop or prevent such peaceful expressions of discontent on the part of em-

ployees violates the provisions of the U.S. Constitution relating to freedom of speech and the freedom to assemble peaceably to petition for the redress of grievances. This portion of the Executive Order may be unconstitutional and void also due to their "chilling effect" on the right to peaceful effectuation of change through legislative means and on the right of legitimate concerted activities of working people.

Also under Section 19, the provision is made in the Order that unless the complaint of violation of this section is covered by a grievance or appeals procedure, the complaint will be filed with the Assistant Secretary of Labor who will decide the case and direct appropriate remedial action (see Section 6(a)(4) and 6(b)). Thus, the remedy may be available in this Executive Order for disciplinary action against supervisors or management officials who violate employee or union rights; it all depends on how the Assistant Secretary of Labor interprets this section of the Order. To-date, the Assistant Secretary of Labor for Labor-Management Relations, Mr. Usery has given *no* indication that he intends to interpret his powers under the Order so as to allow him to take disciplinary action against supervisors or officials in management.

Section 20: The use of official time for *consultation and meetings* between management and unions is made subject to negotiation between the parties. In President Kennedy's Executive Order such consultation and meetings were on official time. Now, it is a matter of negotiations between the parties. Employees representing unions who are engaged in *negotiating agreements* between labor organizations and government agencies will *not* be on official time. Management, of course, may be on official time during negotiations.

Section 21: Allows agreement between unions and government agencies for voluntary dues check offs from employees' pay.

Section 22: Adverse Action Appeals: No change from Executive Order 10988.

Section 23: Federal government agencies are required to issue policies and regulations for the implementation of Executive Order 11491, no later than April 1, 1970. "Insofar as practicable," agencies must consult with representatives of employee organizations in connection with implementing this part of the Order. It will be interesting to see how much and what kind of consultation will be provided by the various government agencies in issuing policies and regulations to implement the Order.

Section 25: Provides for the collection and dissemination of labor-management information needed by government agencies, labor organizations and the public. This is potentially a very important part of the Executive Order; again, it all depends on how it is interpreted and carried out by the Department of Labor and the U.S. Civil Service Commission.

Section 26: Executive Order 11491 was signed on October 29, 1969, and is effective on January 1, 1970, except Sections 7(f) and 8, relating to formal and informal recognition (see Sections 24(b) and 24(c)). President Kennedy's Executive Order 10988 and his Memorandum of May 21, 1963, entitled "Standards of Conduct for Employee Organizations and Code of Fair Labor Practices," are revoked as of January 1, 1970.

In conclusion, the new Executive Order holds out a promise for the establishment of better labor-management relations in the federal service. Meanwhile the NALC must and will continue its attempt to establish labor-management *by law* as a solution to the problems facing employees and employee unions in the federal service.

It is our opinion that the value of the executive order now depends upon meaningful regulations since the order itself left us wanting.

OFFICE ON WHEELS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LONG of Maryland. Mr. Speaker, for almost 2½ years now I have been using a mobile office to keep in touch with my constituents. On Saturdays, I travel to different communities throughout my district to find what help people seek and to get their suggestions on legislation. Recently a college student, Mr. Robert W. Russo of Cockeysville, Md., wrote a paper for one of his classes using my office on wheels as a subject. Bob was kind enough to give me a copy of his delightful article which I should like to share with my colleagues today:

OFFICES ON WHEELS

Every two years the people of America go to the polls and elect their government officials. For the majority of voting Americans casting their ballots may be their only involvement in politics. We have created a communications gap between elected officials and their constituents due to a lack of dialogue regarding key issues.

Clarence D. Long, Democratic member of the House of Representatives from the Second Congressional District of Maryland, realizing that this gap has been the downfall of many elected officials, had decided to make an exception to the rule of an unknowing constituency. Since his election to the House of Representatives seven years ago, he has been traveling to local Post Offices, not to bring his political message to the people, but rather to hear their problems, suggestions, and to determine how he can best serve those he represents. Two and one half years ago, the Congressman purchased a small van-bus and created what is today a popular and welcome sight in Baltimore and Harford Counties—the Office on Wheels.

The Office on Wheels is the Congressman's traveling headquarters. Every other Saturday you can find Mr. Long inside the van, weather permitting, talking to his people. "It's a problem solver. The purpose of the Office on Wheels is to find out what the people want." According to the Congressman, "It helps me find out just what the people are thinking about."

With the Congressman are four staff members. One, his secretary, Mrs. Marge Davidson, keeps a tally of requests, records names and addresses, and specific requests. Mrs. Hope, quite an appropriate name, is the other secretary who deals only with employment problems. When called upon she can produce a listing of governmental and private business openings which the Congressman can recommend to these people. Ed Andrews, a member of the Washington staff, is the initial contact for the people. He has them fill out a mimeographed form with their names, addresses, and problems or suggestions. When asked if the records were kept, Mr. Andrews answered, "You'd better believe it! I just carried 10 boxes of them into the office for processing." Chris Pfrommer, who has been with Mr. Long since his election, acts as a liaison between the people and the Congressman, making sure all the information is filled out on the form then introducing the people to Mr. Long.

This reporter traveled to the Essex Post Office to find out just how effective the Office on Wheels is. At least 40 people had already seen the Congressman that morning and in the next hour 20 more came in. Mr. Andrews said that it was a rather slow day. Usually 70 to 100 people saw the Congressman each time the Office rolled. The majority of people were over 40, well-dressed, and seemed a little nervous.

A quick polling of the people indicated that it was their first visit. One woman said that she was having trouble getting foster children from the Welfare Department. She had applied and was qualified, but the red tape had kept the children from her for over a year now. After many letters and phone calls, she was here to see if Congressman Long could help in any way. "I have raised two children of my own. They're both married and have families of their own. I know there are a lot of children without homes and we want to help. But every one at the Welfare Department passes the buck. That's no way to treat a taxpayer." When she left Congressman Long's office, she had a smile of confidence on her face. "He said he would write a letter for me. I know I'll get the children real soon."

"It is not very often that I get complaints about my work in Congress, or Congressional work at all. Usually, people have requests to make," said the Congressman. Most people need help in solving a problem where they haven't been able to get satisfaction anywhere else. Getting draft deferments, social security payments, and helping high school kids get into college are the most popular. Topping the list are veterans benefits and employment problems. Most of the people are satisfied after they talk with their Congressman, and according to his staff, most of the people get what they need, if the request is reasonable.

"But we get some good ones," the Congressman stated. "One man came into the van carrying a dirty old towel, which had really seen its best. He told me this was taken out of his stomach, having been placed there by an army doctor during an emergency operation. The towel had really messed up his system. I was a little skeptical, but he had documentation from a doctor at Johns Hopkins Hospital. He wanted me to get compensation for him. I found out later from a lawyer friend of mine that he had carried this man's case to the Supreme Court, and lost. But most of the people are quite nice about their requests. The great majority are reasonable, and we try to help."

"We have saved literally hundreds of lives and placed countless people in jobs. One soldier came to me with a big problem. He had been railroaded by an Army court on homosexual charges. I spent a whole day arguing to get him a new trial. Finally, they granted him a new trial and he was exonerated from all guilt. The blame was placed where it belonged."

Congressman Long is very satisfied with the results of his Office on Wheels. He said, "The biggest problem in government today is communications. The higher up you get, the more isolated you get. There is nothing more isolated than a big General. I just wish Generals and the President would get out and meet the people informally, not carrying a specific message, just to hear what the people want." When asked about the Office on Wheels, Congressman Long said, "It's like radar: you give out a beam and you get a reaction, People who get remote make mistakes."

Over the last two and one-half years the Office on Wheels has traveled extensively in Baltimore and Hartford Counties just to listen to the people; and over 6,000 people have had problems solved, found jobs, and gotten veterans payments. The Office on Wheels is a red tape cutter, a sounding board for problems and ideas, and a way for the Congressman to learn what his people want. The Office on Wheels is a unique service from Congressman Long to his people. It has made him truly a representative of the people, for the people, and by the people; and made him one of the most popular Congressmen to date receiving 59.1% of the vote in 1968. In

the words of Congressman Clarence D. Long, Democrat from the Second Congressional District of Maryland, the Office on Wheels "is great." And that is the opinion of almost all of the 6,000 people who have visited the mobile headquarters of their representative to Congress.

CAN SALT STOP MIRV?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MOORHEAD. Mr. Speaker, unfortunately, with each passing month, the chance for a meaningful flight test moratorium on the MIRV gets less likely. The word is, in fact, that the flight test program is being speeded up, thus, narrowing even further the already slim hope of a moratorium with the Soviets.

I would like to recommend, for the attention of my colleagues, an article appearing in the New York Times Magazine section on February 1, 1970, "Can SALT Stop MIRV?" by the nuclear physicist, Ralph Lapp.

The MIRV is a perfect example of a weapons system that completely eluded the scrutiny of the Congress. In fact, if we could have effectively frozen the testing of this program a year ago we would have had a unique chance of reaching a plateau in the arms race. However, I would venture to say that 90 percent of the Congress had never heard of the MIRV until it had been in production for over 1 year. This is a tragic lesson I hope we do not repeat.

I insert the above-mentioned article in the RECORD at this point:

CAN SALT STOP MIRV?

(By Ralph E. Lapp)

Next October the arms race will enter a new and deadly phase as the U.S.S. James Madison leaves the Groton, Conn., yards and begins its sea trials. The 425-foot-long SSN 627 is currently being refitted with 16 oversize launch tubes capable of holding a Poseidon ballistic missile. Each Poseidon will mount 10 nuclear warheads having more than twice the explosiveness of the atomic bombs dropped on Japan.

The Madison is the first of 31 nuclear submarines to be converted to carry MIRV's—multiple independently targeted re-entry vehicles. A single Poseidon missile is thus capable of striking at 10 Soviet targets which could become 10 super-Hiroshimas. Beyond that, however, the appearance of the MIRV raises the terrifying possibility that the nuclear deterrent could be in the process of being transformed from a retaliatory, second-strike weapon to a "first-strike" weapon—i.e., one that would remove the deterrent by enabling one side to knock out the other's missiles before they could be fired, thus leaving the victim largely helpless to strike back. By 1975, when the last Poseidon-firing submarine leaves its yard, a total of 4,960 MIRV's will be deployable at sea—or, to be more precise, undersea. By that time the U.S. Navy will have spent a grand total of $18-billion on the Polaris-Poseidon Strategic Missile System.

This programed multiplication of U.S. Naval nuclear firepower represents a quantum jump in the arms race and as such it is a prime item on the agenda of the SALT (strategic arms limitation talks) meeting at Vienna this spring. The men at the SALT table must ponder such questions as:

Is a MIRV test ban negotiable? Would a stoppage of tests arrest this ballistic development?

If each side arms its missiles with MIRV's, can any meaningful limit be made for strategic missiles?

Given a limit to nuclear missiles, would verification of compliance be possible?

If there are mainly negative answers to these questions then the SALT talks will not lead to a treaty limiting arms and the world may witness a vast expansion of strategic-weapon arsenals. It is no exaggeration to state that today the United States and the Soviet Union are perched on a narrow plateau separating the destructive technologies of the past decade from those of the seventies.

MIRV, then, is an apocalyptic acronym. It is a newcomer to public print, having first been officially released in the Sept. 29, 1967, issue of Life magazine in an interview with Defense Secretary Robert S. McNamara. "We can now equip our boosters with many warheads," said the defense chief, "each of which can be aimed at a separate target. We call this MIRV. . . ."

Mr. McNamara also disclosed that the United States had two MIRVed missiles—the Poseidon and the Air Force's Minuteman III. The latter is a 60-foot-long, three-staged, land-based intercontinental ballistic missile (ICBM, Type LGM-30G) carrying three nuclear warheads. Each of these three MIRV's is 10 times more powerful than the A-bomb that destroyed Hiroshima.

Actually, Hanson Baldwin had revealed Poseidon's MIRV nature in a New York Times account on Aug. 13, 1967. The former military editor of The Times wrote: "Because of its greater power, Poseidon can carry multiple warheads and each of them might be individually programed against separate targets." All that Mr. Baldwin omitted was the acronym. That was itself classified "SECRET" by the U.S. Air Force, thus confining even official discussion of the new development to a very tight community of persons within defense circles.

The MIRV concept was first aired in the trade press by Space Business Daily, whose Aug. 9, 1965, report referred to a MIRV contract to be awarded to Boeing. The same publication had reported in its April 21, 1964 issue: "The Air Force Ballistic Systems Division planned to issue a request for proposal on April 28, 1964, for a program of investigation to determine the feasibility of developing a guidance system for multiple maneuvering warheads that could be directed toward a variety of targets."

The first details of MIRV technology were revealed on Dec. 13, 1967, when Dr. John S. Foster, Jr. gave a speech in Dallas, Tex. The Pentagon's director of research and engineering, who has devoted his professional career to weaponry, disclosed that MIRV stands for "multiple independently targeted re-entry vehicle." Dr. Foster, however, preferred to call it a "space bus," because the payload is a cumbersome package "which contains many individual re-entry vehicles with thermonuclear warheads."

Enough is now known about MIRV technology to permit an accurate description of this modern Hydra. For example, let us make a hypothetical projection to that most calamitous day in history when the President of the United States is compelled to press the button authorizing and commanding the U.S. Minuteman force to be launched. This is not to suggest that the United States plans to use its MIRV's for a first strike—although such a possibility must occur to the minds of Soviet military planners. Doomsday date is Nov. 7, 1978.

Once the button is pressed, man turns the entire issue over to computers. The latest satellite-acquired data on Soviet targets have been coded and stored on magnetic "targeting tapes." Now this magnetic memory is "implemented." Through an elaborate communications linkage—MICCS (Minuteman Integrated Command and Control System)—an innocuous-looking computer card bearing the code numbers is slipped into a computer at each Minuteman control site. At the root tips of MICCS, underground command posts go into high gear, carrying out swiftly the various double-lock and verification procedures needed to launch the missiles from their concrete underground silos.

At the silo site, an automatic sequence of operations is set in motion. Inside the giant three-stage missile, the flight control system is readied, the MIRV "brain" receives its target instructions, should they be different from those already programed. The massive reinforced steel silo cover begins to slide back. The process is completely automated; the nearest human being is a sugar-beet farmer a mile down the road from the fenced-in Minuteman site.

A thousand buried missiles are poised, ready for ignition, capable of being stopped now only by a countermand. It never comes. The huge first stage of a Minuteman III based in North Dakota at the Minot Air Force Base ignites with a roar and a huge blast of flame fills the tower chamber. Slowly, it seems, almost lazily, the giant missile emerges above earth, freeing itself from its concrete nest, and, gathering speed, zooms straight up through a thick cloud layer. Stage 1 burns out, is decoupled by explosive connectors, and the second stage ignites as the less-heavy missile streaks upward on its ballistic course. It, too, cuts out on command and the third stage accelerates the "payload" to its 4-mile-per-second velocity.

At this point, only four minutes after the President pressed the button, the space bus and its three nuclear warheads are committed to a ballistic course of some 5,000 miles in range and they will climb to a zenith some 700 or 800 miles above the earth's surface. A ballistic course is essentially that of a rock thrown in space; in the absence of a retarding atmosphere, its range is fixed by its final velocity and its angle of projection, just as in the case of an artillery shell.

The space bus begins to function by shedding the upper shroud that protected it on its travel through the resisting air. It is important to stress that the vehicle is entirely on its own; it is not linked to earth for command. An entirely independent guidance system is packaged in microminiaturized form and includes accelerometers, gyroscopes and a sophisticated computer. The fast-spinning gyros, an ingenious triple set of whirling "tops," serve to establish a stable platform in space for the vehicle so that changes in direction can be sensed. Accelerators are gadgets capable of measuring minute changes in velocity, the all-important factor in determining the range of the MIRV. The computer must absorb the various data inputs on the velocity and orientation of the space bus and at the same time check with its memory bank, where it has stored the target information.

The wizardy of space navigation was made evident by the uncannily accurate flights of Apollo XI and Apollo XII. These, of course, were masterminded at the Houston control center. Minuteman III uses essentially the same technical base for its guidance. However, in our hypothetical and disastrous example, we shall target Novosibirsk, a city with a population of more than a million, rather than a dead spot on the moon.

The Minuteman III computer reads out the target coordinates of Novosibirsk, queries its instrument colleagues aboard the space bus for their information, computes the im-

pact point and calculates the velocity and direction changes required to dispatch the first-round MIRV on target. The computer then directs the space bus to execute this corrective maneuver by firing small "vernier" jets for the proper number of seconds. This accomplished, the guidance unit rechecks for accuracy and, reassured, the computer gives the electronic command: "Fire One." MIRV "A" is nudged on its course and flies free.

MIRV "B" is given very slight guidance changes to target an industrial section of Novosibirsk and to back up MIRV "A" in case a heavy antiballistic missile (ABM) defense is encountered.

The third round of the Mark 12 nuclear ammunition is then directed to Stalinsk, a city of half a million people some 180 miles southeast of Novosibirsk. All three rounds are fired within a minute. They soar over the North Pole and arc down across Siberia.

Having dispatched its trio of lethal missiles, the space bus adds insult to injury by detonating a series of small TNT charges that blow it into several dozen pieces. These proceed to descend on still another target area, presenting enemy radars with a vexing problem of identification.

The three MIRV's themselves are sleek reentry vehicles of "super beta" design, with needle noses and flared tails. Nine feet long and two feet in girth, they are engineered to produce minimum images on radar screens and thus make detection difficult. With their metallo-ceramic heat shields, they easily survive the heat of re-entry, and each explodes high over its target, triggered by an altitude fuse. The high air burst maximizes the area of destruction on the city below it, spreading heavy damage over 15 square miles.

The mechanics of MIRVing introduce cumulative errors in accuracy. The first round, for example, explodes a quarter of a mile from the aim point, but the third round veers slightly off course, exploding 0.4 mile from the aim point—not a matter of much solace to the citizens of Stalinsk, however.

Cities are large targets and the projected MIRV accuracies are greater than necessary to hit the vast majority of Soviet city targets. Striking at a hardened missile silo, on the other hand, calls for highly precise fire. Our hypothetical attack would impose heavy damage out to a radius of more than two miles from the aim point in the case of a city. A Minuteman III warhead would have to impact within 400 yards of a missile silo in order to knock it out of commission. It is because U.S. experts feel that most Minuteman MIRV's would not come within this impact distance of an aim point that they feel the Soviets should not worry about the U.S. striking first with a wave of Minuteman launchers. But by 1978, MIRV technology will be far advanced over its present status.

Soviet planners must assume the worst—a first strike on Soviet missile silos. This first-strike psychosis, although normal for a military mentality, is absolutely catastrophic for the arms race, since it goads each side into making more missiles to survive a possible first strike and present the attackers with nuclear retribution. Given an emergency in which the United States found it was under attack with warheads aimed at its missile silos, it might out of fear unleash its entire Minuteman force in a vast spasm response. This would be the path to nuclear damnation.

In effect, the MIRVed ICBM is a magazine-loader mechanism that multiplies the warhead throw power of each missile launched. It is this multiplying power that so confounds the problem of strategic arms limitation, since a count of missile silos would not be meaningful unless one could also count the warheads inside. Orbiting cameras routinely send back to earth detailed photographs of missile sites, but they cannot peek under the silo covers and see what is inside. Even if the silo covers were thrown open for inspection, the MIRV nose cone gives no clue as to its contents. One needs a screwdriver to make an inventory of how many MIRV's are inside. Not even the most optimistic SALT man hopes for screwdriver-type inspection.

Poseidon, a two-stage missile, 34 feet in length and 30 tons in weight, also is MIRVed on the space-bus principle. Each missile has 14 barrels, but not all are used for warheads. Some are used to hurl decoys or other penetration aids, such as radar-blinding aluminized glass fibers, called chaff. A number of lightweight decoys can be substituted for the weight of one Poseidon warhead, which weighs about 200 pounds. Decoys are used to feint the defenders into using up antiballistic missiles, thus allowing real warheads to penetrate to their targets.

While the MIRV technique allows many separate targets, it also allows a single target to be bombarded with a sequence of time-spaced warheads. This is a simple but effective technique to outwit the ABM's, which might otherwise kill a number of warheads simultaneously if they descended in a cluster. (The Polaris A–3 warhead aboard U.S. nuclear submarines today is a cluster of three nuclear explosives all fired shotgun-style at the same target.)

To put MIRV in proper perspective as a weapons system we need to enumerate the critical milestones in the past quarter of a century. First, there was the A-bomb in 1945, followed by the thousand-fold more powerful H-bomb in 1952–54 and then by the ICBM in 1957. The strategic forces of both the United States and the Soviet Union are keyed to these developments and nuclear deterrence today balances on the respect each side has for the other's nuclear strike power.

Under the McNamara management, the U.S. strike forces built up to a level of 1,000 Minuteman ICBM's, 54 Titan II's and 656 Polaris SLBM's (submarine launched ballistic missiles). Total throw power: more than 2,500 warheads as of 1970.

The Soviet strategic arsenal includes about 280 SS–9 heavyweight ICBM's, slightly more than 1,000 other ICBM's—mostly liquid-fueled SS–11's of Minuteman warhead power and solid-fueled SS–13's of less power—and roughly 300 SLBM's. Total throw power: about 1,700 warheads. However, the big U.S. worry is that the SS–9 can be adapted to carry three huge warheads or as many as 20 MIRV's of Minuteman III power.

Soviet tests with their enormous SS–9 missile show that they are using a triple warhead, although presumably most of the deployed SS–9's still mount a single warhead. There is much controversy within the U.S. intelligence community about the nature of the SS–9's multiplication technique. Separate warheads have been observed to splash down in a triangular pattern, leading defense officials to fear that the SS–9 is aimed at knocking out Minuteman silos. Whatever the present SS–9 warhead dispatch techniques, it is certainly reasonable to assume that military technologies on both sides of the Iron Curtain are convergent—i.e., produce the same or similar weapons systems.

From the U.S. standpoint, the most peaceful move the Soviets could make in the next year would be to terminate deployment of the SS–9's. Continued production of these mighty missiles will make more pronounced the Pentagon's fears that the Soviets are building up a first-strike force. Such a move by the Soviets would infuse optimism into the SALT discussions on arms control.

A number of persons deeply concerned about the stopping of the arms race believe that the best thing that could come out of the SALT talks would be a moratorium on MIRV tests. They hope, more than believe, that cessation of the missile tests would produce an unfinished technology and leave the military reluctant to deploy unproved weapons systems.

The difficulty with a MIRV test ban is that it is very late in the day to stop the technological clock that seems remorselessly to tick away. To understand this situation we need to go back and trace the origins and development of MIRV.

The top authority on the subject, Dr. Foster, described the origin and purpose of MIRV in an exchange with Senator Mike Mansfield of Montana that is buried in Part 4 of Fiscal Year 1969 Defense Appropriations (Page 2310):

Q. Is it not true that the U.S. response to the discovery that the Soviets had made an initial deployment of an ABM system around Moscow and possibly elsewhere was to develop the MIRV system for Minuteman and Polaris?

A. Not entirely. The MIRV concept was originally generated to increase our targeting capability rather than to penetrate ABM defenses. In 1961–62 planning for targeting the Minuteman force it was found that the total number of aim points exceeded the number of Minuteman missiles. By splitting up the payload of a single missile (deleted) each (deleted) could be programed (deleted) allowing us to cover these targets with (deleted) fewer missiles. (Deleted.) MIRV was originally born to implement the payload split-up (deleted). It was found that the previously generated MIRV concept could equally well be used against ABM (deleted).

Dr. Foster's "aim points" could scarcely have been confined to Soviet cities. The U.S.S.R. has only about 50 city targets of Hiroshima size and a total of some 200 cities with populations greater than 100,000. A Soviet planner reading Dr. Foster's statement would not have to overly suspicious to assume that the United States was targeting Soviet missile silos with Minuteman ICBM's.

Target experts call cities "soft" and missile silos "hard." In general, a first strike seeks to hit at "hard" sites and thus deny retaliatory fire that would impose unacceptable damage on the attacker. A second strike launched in response to a first strike would be aimed at destruction of the attacker's cities and industrial complexes, but it is primarily the great loss of life that is the knife-edge on which mutual terror is balanced.

It would be tragic in the extreme if a foe were to be ignorant of the damage he would sustain in the event of nuclear war. For this reason, Defense Secretary Robert S. McNamara provided the Soviet leaders with a Pentagon print-out of the probable damage to be expected by an attack with "X" hundred Minuteman warheads. The Strangelovian damage table which follows was released for publication Feb. 1, 1968:

SOVIET POPULATION [1] AND INDUSTRY DESTROYED

Number of delivered warheads	Total population fatalities [2]	Industrial capacity destroyed (percent)
100	37,000,000	59
200	52,000,000	72
400	74,000,000	76
800	96,000,000	77
1,200	109,000,000	77
1,600	116,000,000	77

[1] An urban population of 116,000,000 is assumed for the year 1972.

[2] Fatalities are calculated on the basis of "prompt response"—i.e., death within 24 hours.

McNamara's advertisement of overkill probably confirmed the secret damage tables already compiled by Kremlin experts. The important thing here was not to communicate what Soviet *military* experts already knew, but to make absolutely certain that

Soviet *political* leaders were not in the dark about the degree of national damage they would suffer in the event of nuclear war.

The Pentagon's damage table contains a qualification which is turning out to be a prime energizer of the arms race and an immense obstacle to the success of the SALT talks. It is the word "delivered," applied to warheads. U.S. military planners cannot count on having every missile warhead reach its target. For example, a Soviet first strike could kill a Minuteman ICBM in its silo, or the missile might fail to launch, or to be correctly guided. Or, at the other end of the trajectory, the warhead might be killed by a Soviet antiballistic missile.

MIRV, defense officials explain, is the "We Shall Overcome" answer to Soviet ABM's. By multiplying the total number of warheads attacking Soviet targets, we insure penetration of a sufficient number of them to inflict unaccep'able damage. In a second strike, of course.

But do the Soviets interpret the vast expansion of the U. S. strategic strike force—approaching 10,000 MIRV's in 1976—as merely insurance of a second-strike capability? Or do they look upon it as a first-strike force?

Soviet strategists may be excused for being skeptical when they look over U.S. pronouncements on MIRV. We may add to Dr. Foster's answer to Senator Mansfield the following:

President Johnson on Jan. 18, 1965, stated: "Poseidon will have double the payload of the Polaris A-3, and will be twice as accurate. Its effectiveness against a hardened target will be greatly increased through incorporation of pentration aids."

A Jan., 1968, Defense Department statement on MIRV's reads: "They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Laird on April 1, 1969, asked for additional funds "to significantly improve accuracy of Poseidon (MIRV) missiles, thus enhancing its effectiveness against hard targets."

Dr. Foster on May 13, 1969, testified before the Senate Armed Services Committee: "The Polaris-type submarine is ideal as a second-strike weapons system, although it could be used in first-strike operations."

The feasibility of using MIRVed warheads in a first strike at missile silos hinges on the matter of accuracy. In the early nineteen-sixties, ICBM's had a C.E.P. of two to three miles—i.e., the circular probable error, or the radius of a circle within which 50 per cent of the warheads hit, was two to three miles. By 1969, the C.E.P. had dropped below one mile and was headed down to half a mile. In five years, given more testing, the accuracy should shrink to a quarter-mile, and by the late nineteen-seventies some experts believe guidance systems will land warheads within several hundred feet of the aim point. It should be added that some experienced missilemen are skeptical of such claims.

The U.S. Defense Department has concentrated its best efforts on development of MIRV accuracy. A total of $2.2-billion was spent on MIRV programs by midsummer of 1969, when the first flight tests of Minuteman III and Poseidon were made. This program is scheduled for completion by June, 1970.

Senator Edward W. Brooke (R., Mass.), a member of the Armed Services Committee, hoped to interrupt the seemingly inexorable course of technology when he proposed, last April 24, that the two great nuclear powers suspend testing of MIRVed missiles. He noted that "if MIRV is not controlled prior to deployment, it will probably not be controlled at all," and that "the present opportunity for strategic arms control is highly perishable. Indeed, it is measured in months."

Nine months have passed since Sen. Brooke's proposal, and MIRV tests are still going on—and the James Madison is moving ever closer to receiving Poseidons. Accuracy attained in MIRV tests for Poseidon appear to satisfy the U.S. Navy's strategic requirements for nuclear retaliation. But even when the Poseidon research and development phase is completed next June, it is unlikely that the Navy will place much confidence in the new weapons system unless it can be periodically tested at the Atlantic Missile Range. Data released in mid-December show that the U.S. Navy conducted 167 tests of its Polaris A-2 missile and 142 tests of the A-3. Many of the tests are believed to have been "redundant"—i.e., not absolutely essential to operational confidence in the weapons system.

By June of this year the U.S. Navy will have spent $1.3 billion so far on development of the Poseidon system, and $3.4 billion on submarine conversion and missile procurement.

The U.S. Air Force appears to have put more emphasis on missile accuracy than has the Navy. Confusion on this score must intensify Soviet worries about a U.S. first strike. Is the Air Force preoccupation with missile accuracy simply an exercise in perfectionism—in stretching technology to its attainable limits? Or is it a deliberate attempt to make missiles accurate enough to dig Soviet missiles out of their protective silos?

These perturbing questions are not resolved by the extreme secrecy surrounding MIRV. One thing seems clear: no nation would want to make a first nuclear strike at another using a weapons system that had not been adequately tested. Therefore, a MIRV test ban might be a very useful restraint of technology, provided that it is agreed to before either side tests enough MIRV's to be confident of the system. And one must add an important qualification—namely, the test ban would have to come before either side believes the other to have reached this point of confidence.

The Air Force has carried out almost 150 tests of its Minuteman I and II missiles. If a MIRV test ban occurs before the Air Force completes its current series of Minuteman III tests, one might jump to the conclusion that a test ban would undercut military confidence in this new weapons system. The facts are that developmental tests will be completed this spring, and that the system is already under production. While more tests will be programed, these will come under the heading of reliability and readiness testing. In the case of Minuteman III, many of the subsystems common to Minuteman I and II have already been extensively tested. When the Soviets first made overtures about SALT talks two years ago, a MIRV test ban would have been a highly useful device, but the MIRV clock has been ticking away steadily and a test ban this year would be much less valuable.

If a MIRV test ban is to be accepted by the United States there would have to be provision for inspection of test violations. U.S. authorities privately make much of the fact that the Soviets have deployed the mammoth SS-9 missile—each one costing probably $30-million—which has greater value for a first strike than the Minuteman III. To understand this asymmetric situation we need to take a closer look at the SS-9.

A close-up look at the SS-9 is something that a U.S. strategist would dearly love. As it is, he must be content with blowups of photographs taken by satellite cameras, and with studying the ballistic data about SS-9 tests. U.S. intelligence experts have concluded that the SS-9 is a highly accurate missile capable of hurling a single warhead having the power of 20 to 25 megatons—roughly a thousand times the power of the bomb that eviscerated Nagasaki. If this immense payload is split up into three separate re-entry vehicles (RV's) then each RV could carry from 3 to 5 megatons, depending on its design and how it was targeted. (If SS-9 RV's targeted points hundred of miles apart, the megatonnage would be reduced because propellant would have to be provided to stear the warheads to their widely separated targets. Defense officials now give conflicting testimony about the SS-9's RV's, some saying they are independently targeted, and others saying that they are capable of being thrown only in a cluster.)

Whatever may be the status of the SS-9's present technology, few doubt that it is capable of carrying five or six times as many warheads as Minuteman III. It is this asymmetry that so alarms many defense officials. They feel that at the rate the Soviets are deploying the SS-9 missile, they will soon be capable of targeting the entire force of 1,000 Minuteman ICBM's. This was, in fact, the very basis of Defense Secretary Laird's case for turning the Sentinel antiballistic missile system into a means of protecting Minuteman silos.

Any *quid pro quo* in arms limitation is obviously made very difficult when the strategic systems to be limited represent unequal fire power. One could arrange a quota system for battleships because there was little ambiguity about such naval vessels. But land-based missiles can and do mount payloads of quite dissimilar power. MIRV upsets the simple arithmetic of one-for-one missile limitation and introduces a complex calculus.

The SALT negotiators will need great ingenuity to work out the higher mathematics of arms control and, perhaps, even greater inventiveness in educating their constituents in the new math of strategic arms limitations. That this will be a slow process is seen by the fact that in the 1969 meetings at Helsinki the SALT men did not even get around to discussing MIRV technology.

The basic dilemma of the would-be arms controllers is that they have no simple rule to equate nuclear fire power on either side of the Iron Curtain. The SS-9 and Minuteman III represents very considerably different throw weights. If the SS-9 can be fitted with six times as many re-entry vehicles as Minuteman III, the SALT talkers must fix some limit to SS-9 deployment that will satisfy U.S. experts that no Soviet first-strike capability will exist in the future. Since the Soviets have continued deploying SS-9's, they will soon have 300 of them.

According to a statement made last month by Defense Secretary Laird, the Soviets are increasing the rate of the SS-9 deployment. This SS-9 deployment is viewed as constituting an annihilatory threat to the U.S. land-based ICBM's. Many Senators hold the view that the Soviet Union has a very specific intent for its SS-9 capability. Senator Strom Thurmond, for example, recently stated:

"To sum up, then, Soviet strategic thinking contemplates a first strike, the Soviets have the capacity to build towards first strike, and they expect to be able to destroy our ICBM's without receiving a crippling blow in return."

Senator Thurmond did not reveal his reveal his source of intelligence, but clearly the fear of a first strike now dominates the defense scene.

The arms-control deadlock is so serious that a number of defense intellectuals have become convinced that some bold step will have to be taken to make any headway. Some of these men have turned heretical and have urged that the Minuteman ICBM system be abandoned, arguing that a system so shaky that it has to have its private ABM defense, which in turn is so shaky that it needs inner defenses to protect its radars, is not much of a deterrent. Rather, it becomes an invitation to aggression.

Asking the U.S. Air Force to give up its land-based missiles is real heresy. The fact that it is seriously proposed indicates how intractable the arms-control situation is becoming. It would undoubtedly precipitate a controversy that would make the Air Force-Navy clash on the B–36 look like a tea party. But it is becoming painfully evident that a failure to plan for the future control of weapons systems has brought us to our present impasse.

A way out of the arms race might be an agreement to work toward eliminating all land-based strategic missiles, relying instead on ocean-based systems like Poseidon. In this case, the size of the submarine hull and its practical limitation impose a near equality on the throw power of each side. In effect, by going to submarines as the sole basis of missile deterrence, we more or less standardize the size of the "first stage" of a "three-stage" missile. In this case, the first stage is the submarine itself. The submarine becomes the unit of fire power, and neither side attempts to limit MIRV; it simply accepts the throw power of all the missiles carried on board.

If the arms race cannot be brought under some measure of control in the early nineteen-seventies, the problems of agreements at a later date will be severely complicated by the onrush of weapon technology. MIRV is by no means the ultimate in the instrumentation of war. It is, in fact, only a preface to a whole series of acronyms—ABRES, ULMS, SABMIS, SAM–D and others too secret for alphabetical obscurity. ABRES, for example, stands for Advanced Ballistic Re-entry Systems. It is a defense program involving MIRV technology started in 1965; to date, $540-million has been spent on this development. By the late seventies, weapons will come into existence that will make even today's emerging MIRV's look crude. Instead of "dumb" warheads that pursue a fixed ballistic course, the new systems will feature "semismart" reentry vehicles that home on their targets—and even take evasive action to avoid interception.

The art of projecting bombs is very old, dating back to very early days of warfare, but it did not start to become a science until Niccolo Fontana Tartaglia, an Italian mathematician, studied trajectories. His treatise on gunnery, first published in 1537, contained an observation that bears reproduction now:

"One day, meditating to myself, it seemed to me that it was a thing blameworthy, shameful and barbarous, worthy of severe punishment before God and man, to wish to bring to perfection an art damageable to one's neighbor, and destruction to the human race."

Tartaglia's self-admonition seems most remote from the ballistics of the James Madison, which puts out to sea this year and which in January of next year will be deployed with Poseidons on board. But Tartaglia was surely on target with his thoughts when we realize that a single nuclear submarine could visit the nuclear destruction of 160 Hiroshimas on another nation.

THE GREAT AUTOMOBILE CONSPIRACY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, Americans throughout the country have begun to realize how very serious the problem of pollution is—in the air, in the water, and on land.

Many of them have also come to realize that they must do whatever they personally can to help improve our environmental quality.

One type of pollution—that in the air, is costly in dollars and in health. And one of the primary polluters of the air is the automobile.

Some people feel that their personal involvement in the fight against pollution means trying to obtain air pollution equipment when they buy a new car. Such equipment is available as a result of the strict automobile emission standards in the State of California.

But recently, there have been reports that some people have been virtually prevented by the automobile industry from making their automobiles pollution free.

According to Jack Anderson, whose column today discusses this "Car Runaround," both the Ford and Chrysler motor companies are attempting to discourage the sale of the auto pollution equipment on new cars being sold in States other than California. And for those who are determined enough to insist upon the antipollution equipment, the companies make it a slow and arduous process.

The question is why is the Federal Government so far behind the government of the State of California? Certainly, there should be national auto emission standards equal to, if not greater than, those of California.

For too long, the automobile companies have been promising that they would do their utmost about the problem of pollution. But promises they made 15 years ago are still unfulfilled. Little or nothing has been done despite the fact that automobile pollution has been a problem for years.

It is obvious that the American people cannot allow the automobile industry to make the decision for them as to how soon the automobile will be pollution free.

The time for begging and cajoling the industry to do something has gone. We must have action, and the way to spur such action would be for the Federal Government to get tough with the manufacturing.

We have been too lax, too long about adequate automobile emission standards and by doing so, we have slowed down the antipollution process.

The State of California has taken the lead. The time has come for the Federal Government to take its rightful place in the leadership against automotive pollution.

If American citizens are willing to pay for antipollution devices on their cars, they should be able to obtain them.

The time has come for the Federal Government to stop pussyfooting around with the auto industry.

The time has come for the Federal Government to show the automobile manufacturers that it means business—that air pollution is destroying our environment and will be wiped out.

I include in the RECORD the portion of Jack Anderson's "The Washington Merry-Go-Round" which appeared in the February 26 Washington Post and deals with this subject:

THE WASHINGTON MERRY-GO-ROUND

CAR RUNAROUND

If anyone outside California walked into a Ford or Chrysler showroom and ordered a new car with the advanced air pollution equipment now required by California law, he would be told he couldn't have it.

Although the devices are the best available, this column has learned that Ford and Chrysler are actively discouraging their sale outside California.

The price manuals issued by both companies to their dealers across the country state unequivocally that the special anti-pollution equipment is available on California cars only.

Furthermore, the Chrysler computer system is programmed to reject automatically any order for the equipment should one come in from one of the other 49 states.

Spokesmen for both Ford and Chrysler, nevertheless, acknowledged to this column that there was no reason why a determined buyer, willing to wait a little longer for his new car, could not obtain the special device.

Thus both companies admit they have issued false information to their dealers, which is bound to discourage the purchase of pollution-control equipment.

The equipment in question is a system which curbs pollution from the evaporation of gasoline in fuel lines, tanks or carburetors. It costs about $40.

A Ford spokesman said the company "thought it was advisable to test this system for a year to perfect the design and service techniques" before making the equipment available nationally.

He acknowledged, however, there was no doubt that the system worked effectively and he said no particular service problems had been encountered.

YOUTH SERVES AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PRICE of Texas. Mr. Speaker, as we are all too well aware, militant youths have vented their venomous spleen on many of our social institutions. In the process, the police departments in many of our Nation's cities and towns have been targets of vicious attacks.

To find a vivid illustration of the type of behavior I am referring to, one need turn no further than the just concluded Chicago conspiracy trail. Regrettably, behavior such as the defendants exhibited before and during the trial has been the subject of extended treatment by the media and the press. In fact, it seems that whenever youthful groups of militant malcontents gather and demonstrate, the media and the press is there to record and circulate their outrageous activities. While I am confident that such is not the case in every instance, this happens so often that in the minds of many adults, American youth in general is becoming increasingly suspect.

As a direct result of this growing climate of dissatisfaction with youth, there is a tendency on the part of some peo-

ple to overlook the fact that most American youths are not militants or anarchists. On the contrary, many of them are vitally concerned with the state of the Nation. In addition, their concern takes a positive rather than a negative direction.

Mr. Speaker, I would like to bring to the attention of my colleagues one example of the kinds of positive action that youth is taking in an effort to contribute to society.

An editorial appearing earlier this week in the Washington Evening Star stated that more than 125 college students have registered to take the civil examinations for the New York City Police Department. These students are not attempting to join the police force in an attempt to fulfill childhood dreams and fantasies; rather, they are trying to render a greatly needed community service. They realize what the militants ignore; namely, that creative involvement in social problem-solving, and not senseless destruction of social institutions is the true measure of individual concern.

The students in the New York experiment are not fleeing to Canada to evade their military obligations; neither are they traveling to Cuba to harvest Castro's sugar cane. Instead, they are working within society in an effort to improve society. This is the right way, this is the American way.

I urge all my colleagues to read the following editorial. Perhaps the budding New York program should be experimented with throughout the Nation. After all, municipal police departments deserve the best of everything America has to offer. Both the needs of social order and the needs of social justice demand nothing less.

The editorial follows:

COLLEGE COPS

In New York City, more than 125 upperclassmen at Harvard, Yale, and Princeton, as well as Union Theological Seminary other colleges, have signed up to take the New York City examination for the police force.

They are not dropouts, actual or potential. They are, presumably, students concerned with the future of their society and their own contribution to that future. They also are students who have heard the powerful persuasion of New York Police Sergeant David Durk, a 1957 Amherst graduate now a Ph.D. candidate in public administration and sociology at New York University.

Sgt. Durk's plea is simple and to the point. "If you really care about cities," he tells potential recruits, "if you really care about individual people, don't join the Peace Corps or VISTA. Become a policeman."

This statement flies in the face of the conventional wisdom of the New Left, in which police are "pigs" and oppressors of the masses, but as Sgt. Durk goes on to say, "The victims of crime today are overwhelmingly poor and mainly black. As a cop you can have a real and immediate impact on the lives of people that is totally unlike any other alternative before you."

Sgt. Durk's program makes sense from every point of view: the raising of the sights of the police force as a community service organization, the channeling of youthful idealism into effective outlets and even such more distant goals as the breaking down of false occupational barriers raised by the increase of the college population.

The program he speaks for is a very hopeful one as part of the continuing attack on the problems of the cities. May it be successful in New York and be adapted to other cities, including our own.

CALIFORNIA BANK BURNED—COMMUNIST AGITATION AND PROPAGANDA—III

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, a wire service story from Santa Barbara, Calif., recounts the burning of a bank in what is euphemistically referred to as a "disorder" in the Isla Vista community, 6 miles from the campus of the University of California.

The story also reports that William M. Kunstler, who is under sentence for criminal contempt of court in Chicago, made a "campus speech" which was followed by the outbreak of fires and window smashing. Readers of the Washington Star, however, are not told that the rioting and burning followed a harangue by Kunstler in which he repeatedly urged his young listeners to "take to the streets" in support of the revolution.

The California episode is typical of the standard technique of Communist agitation following conviction of any of their number. It is the course of action which all of us can expect as long as there is any possible gain for the subversives.

Since Kunstler is supposed to defend H. Rap Brown in another riot and arson case in Maryland next month, it is not a bad idea for the appropriate authorities in the Free State to consider whether or not his conduct as an officer of other courts merits his admission as an officer of the Maryland courts, even pro hac vice, or whether he should be denied a forum for further incitement to violence.

Notably, the appropriate authorities in the District of Columbia are looking into disciplinary proceedings in the case of Virginia ACLU attorney Philip Hirschkop, sentenced for a similar contempt by a Federal judge here.

Pertinent newsclippings are included in my remarks:

[From the Washington Star, Feb. 26, 1970]

EIGHT HUNDRED PROTESTERS BURN BANK IN SANTA BARBARA

SANTA BARBARA, CALIF.—Rampaging demonstrators protesting the "capitalist establishment" burned down a Bank of America branch early today while outnumbered police and firemen watched helplessly.

Police reinforcements were called in as about 800 protesters watched the flames burn out the inside of the one-story, brick building. Then a solid front of 240 helmeted officers swept through the campus community, Isla Vista, dispersing the crowd without a confrontation.

Retreating protesters threw rocks at advancing policemen, injuring 15 to 20 of them—none seriously—deputies said.

Police said they arrested 34 young persons for investigation of failure to disperse.

Deputies said later the situation was "pretty much under control" and that officers were dispersing about 200 stragglers scattered along streets and alleys.

The one-square-mile Isla Vista community is populated mainly by apartment-dwelling students from the adjacent University of California campus six miles north of Santa Barbara.

The demonstrators, numbering 1,000 last night, said they were protesting the war in Vietnam, the "capitalist establishment" that financed it, and what a student spokesman called "increasing police repression aimed at stifling political dissent."

One demonstrator, Kevin McElhinny, 17, San Jose, Calif., said the bank was under siege "because it was there, it was the biggest capitalist establishment thing around."

Another demonstrator who wouldn't give his name said the bank "is an example of American capitalism which is killing people all around the world and in the United States."

The outbreak of fires and window smashing followed a campus speech yesterday afternoon by William M. Kunstler, a defense attorney in the Chicago riot trial. All the windows of the same bank branch were smashed in the start of the trouble Tuesday afternoon.

Sheriff James W. Webster had described the situation as "completely out of hand" last evening. He asked Gov. Ronald Reagan for National Guard troops, but Guardsmen were not mobilized.

The bank fire was set by several protesters who rolled a gasoline-soaked trash bin in through a smashed window, and set it ablaze against a wall, deputies said. Students from a nearby fraternity put out the blaze, but protesters fired it up again just before midnight.

Before the sweep of the area, helicopter officers using a bullhorn and a powerful spotlight ordered the demonstrators to disperse, but few did.

Shortly before the bank fire, demonstrators overturned and burned a patrol car after the two outnumbered deputies fled. It was the second patrol car burning of the three-day disturbance.

The bank manager said an undisclosed amount of money was in the bank's fireproof vault and he did not expect to find it damaged.

Firemen had been ordered to stay away from the bank blaze for fear demonstrators might attack them.

"We went to the fire but the sheriff's men lined across the street wouldn't let us by," and Fire Capt. Clarence Saletti. "They feared for our lives because of the demonstrators."

[From the Washington Star, Feb. 26, 1970]

COURT DISCIPLINE PANEL PROBES "D.C. 9" LAWYER

(By Donald Hirzel)

Lawyer Philip Hirschkop, who received a 30-day jail sentence for contempt during the recent trial of the "D.C. 9," has been referred to the U.S. District Court's Committee on Admissions and Grievances for disciplinary action.

Hirschkop's case was turned over to the committee by Judge John H. Pratt, who presided at the trial of the nine defendants charged with vandalizing the Washington offices of the Dow Chemical Co.

The committee could reprimand Hirschkop, suspend him from practice or disbar him.

The judge refused to comment on the situation yesterday, but it was learned that the committee already has reviewed the transcript of the trial for evidence of contempt by Hirschkop.

Hirschkop has appealed the 30-day jail sentence. He is free pending the appeal.

The "D.C. 9" were charged with breaking into the Dow Chemical Co. office here last

March 22 and destroying property in a protest against Dow's production of weapons for use in Vietnam.

During the trial, two of the defendants entered guilty pleas to destroying property. A jury found the others guilty of unlawful entry and destroying property. All are awaiting sentence.

The trial was marked by repeated outbursts from spectators and the defendants protesting the ruling that they could not represent themselves. There was one scuffle with marshals.

Pratt charged Hirschkop with showing disrespect for the court during the proceedings and remarked that his conduct was "degrading to this tribunal."

Hirschkop claimed in a television interview that he had not been disrespectful, but merely was defending his clients.

His attorney, David Rein, in the same interview charged that the judge's action was a "reprisal against an attorney representing unpopular clients."

The interview was carried on WTTG-TV's "Ten O'Clock News" on Feb. 11. The disciplinary committee has subpoenaed the television film.

Thomas J. Dougherty, the Washington counsel for the Metromedia network was scheduled to appear before the committee today to determine whether the station would comply.

"But I must say, I don't like this method of proceeding," Dougherty said.

WILLIAM BRANDON SERIES ON THE AMERICAN INDIAN

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. KASTENMEIER. Mr. Speaker, the Progressive magazine, the historic and distinguished monthly journal which is published in Madison, Wis., has, for some time, been concerned that pitifully little attention was being paid to the unresolved problems confronting our first citizens, the American Indians.

The Progressive turned to William Brandon and asked him to write a series on the plight and prospects of our Indian citizens. Few individuals are as well qualified as William Brandon to provide us with an insight into Indian affairs. His classic work, "The American Heritage Book of Indians," published in 1961, was the only serious attempt ever made at an overall synthesis of the history of American Indians.

For this undertaking, Mr. Brandon visited scores of reservations, conferring with Bureau of Indian Affairs officials, health authorities, local politicians, teachers, and, most importantly, the Indian people themselves. As a result of his studies, Mr. Brandon has presented a perceptive series of articles on the Indian problem which the Progressive published in its December 1969, January and February 1970 issues. I highly recommend my colleagues read these articles:

AMERICAN INDIANS: THE ALIEN AMERICANS

(By William Brandon)

American Indians remain our one unhyphenated minority. The American Indian world is so alien to us, so alien still, after all the generations of mortal embrace, that no one would say Indian-Americans any more than one would say Martian-Americans. It is an alienness rooted in the very foundation of the Indian world, which rests—still today—on a sense of community as against the foundation of individual contention, individual acquisition, underlying the surrounding world—an alienness attuned to a harmony of human relationships rather than a harmony of commerce and industry, attuned to belonging rather than belongings.

The existence of so foreign a body in the greater American body politic is secured by the strongest of legal safeguards: treaty rights or equivalents thereof. For all such august protection, it becomes from time to time an existence most precarious. The late Felix Cohen, legal philosopher and the nation's great expert on Indian law, wrote (at the time of the onset of McCarthyism in the 1950s), "Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith."

When Indians have hit the streets (if not the warpath) in recent years it has nearly always been in protest against invasion of specific guarantees. "Treaty treks" marched, to a tom-tom beat, along the rivers of the Northwest in 1964 when the state of Washington tried to cancel Indian fishing rights protected by Federal treaties. Mohawks along the Canadian-New York border demonstrated during 1969 against Canadian abrogation of a 1794 treaty dealing with right of passage. (In a peripheral piece of this action a Mohawk matron thumped an undersheriff in the seat of the pants with a genuine tomahawk.)

The history of the American Indian world is in essence the story of raids, frauds, thefts, beguilements (often ardently well meant, as by missionaries), besiegements, and occasionally blunt frontal assaults upon Indian rights and possessions.

The Federal Government, legally responsible, by treaty, usually, for the Indians' defense, has customarily reacted to such attacks with an eye to their political implications. President Andrew Jackson stated in connection with the "Great Removal" of the 1830s the policy that has been pretty much followed ever since: "The matter is not one of right but of remedy."

The Great Removal was the forcible ejection of Indian communities from Georgia, Mississippi, and Alabama in direct contravention of absolute guarantees in several treaties, the earliest having been negotiated some forty years before by President George Washington. The "right" of the matter had to give way to some "remedy" that could accommodate the political poundage—state politicians, real-estate speculators, missionaries—behind these demands for removal of the Indians from their rightful homes. Therefore the Indians of the Southeast were "removed" and given a new Indian Territory in the West that this time would be theirs forever for sure: "The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever secured and guaranteed to them," said President Jackson. The country so destined is now Oklahoma.

Indian groups have swallowed painful remedies for a long, long time through the years, and, what is more to the point, are still swallowing bitterly away today. More than ninety million acres of land went in one strong dose alone—the Allotment Act of 1887, which allotted to individual Indians family-sized farms from small portions of a number of immense reservations and opened the residue to white development; the biggest gold mine in the world is another—the Homestake in the Black Hills, taken at gunpoint by means of the Sioux Wars of the 1870s in direct contravention of the Sioux treaty of 1868; the school system called by educators the finest of the time west of the Mississippi—that of the Cherokee Nation, confiscated by Oklahoma politicians in 1907—is another; bits and pieces large and small, spiritual and fiscal in a thousand others.

The Indian world has been under constant siege, in a very real sense, for generations. Its land base, supposedly protected under trusteeship of the U.S. Government from any sale or loss, has been chipped away and its alien soul cannonaded by incessant economic pounding until the mere fact of its survival at all has become one of the marvels of history.

Chief Shenandoah of the Onondaga and the Six Nations Iroquois, speaking with the majesty of a sachem of old at the kitchen table of his tatterdemalion little house in upstate New York, says, "We have a right to have an Indian community here, a right given us by treaty after treaty, but our land has disappeared. How can we keep our community here, because there is not enough land, there is no way to live?"

By "community" is meant not a mere neighborhood but a tribal community, to some degree under its own jurisdiction, its people never unaware of a relatedness, by blood or by spirit, one to another.

In Oklahoma, Dr. Everett Rhoades, Kiowa tribal councilman, told me that the Bureau of Indian Affairs has been "weakest in its trusteeship of Indian land, in letting land drift away." On the West Coast I talked to Rupert Costo, tribal chairman of the Cahuilla Indians and president of the American Indian Historical Society, who defined "the economically forced abandonment of reservations" as a most urgent basic problem.

Indian populations are growing—twice as fast as the national average. The people want to stay together as members of living communities, but because of lack of productive land they don't have room—and because of hamstrung reservation development as well as the out-of-the-way location of most reservations there are not enough (are not any, in many cases) jobs handy.

But the communities do survive. The people stubbornly persist in remaining together.

In hard times, white Americans, or black or brown or yellow Americans for that matter, sing, "*So long, it's been good to know you,*" and hit the road for what they hope will be brighter prospects elsewhere. But red Americans are more likely to stick together, come what may, cling through hell and high water to the life of their community, an overlife that is simply more important than individual opportunity; they reveal in this how deeply alien is their music.

The appalling, the downright unreal statistics of Indian poverty spring in large part directly from this iron refusal to surrender and disperse and go get lost ("assimilated") in the white man's cities.

During the last hundred years the lands and belongings of the Oglala Sioux have been stripped from them until the remnant now left cannot possibly support their community of nearly 14,000, this even though their reservation, Pine Ridge in South Dakota, is still one of the largest in the country (1.5 million acres). This is a country of badlands and vast ranches—I camped for days in barren hills that could support only ghosts. The productive land can provide a living for no more than a small fraction of the Oglala population, most of that in cattle-ranching. Eight per cent of the reservation is suitable for dryland farming; there are very few other jobs of any kind within reach, and so, at the latest count (1968), some 955 persons had full-time jobs out of an "available labor force" of more than 3,000, with 607 others at work part time (including migrant farmhanding); one-third of the people had a *family* income, counting welfare and any other nickels and dimes from any source, of less than $999 per year; nearly one-half of the people were on some kind of welfare

(average amount less than $25 per month per person); half of the people were still living in one- or two-room mud-caulked log houses and some hundreds in tents winter as well as summer. Nine out of ten homes have no electricity, nineteen out of twenty no running water; most householders have to transport water a quarter-mile or more.

But the people will not give up and go away. Over the last ten years some one hundred Pine Ridge families a year have been persuaded to emigrate—during which time the reservation population has increased twenty-five per cent. Pine Ridge yields grimmer statistics than the Indian world as a whole. For instance, American space-age technology has by now brought running water to almost half of all Indian reservation homes over the country, but even so a somewhat similar picture is fairly common. Indian communities are surviving—some five to six hundred villages and reservations throughout the United States including Alaska, totaling more than half a million souls (an additional serveral hundred thousand Indians are out on their own, assimilated, more or less)—and some communities are even thriving, as communities. But the cost in individual distress is immense.

If the people won't depart even where their alien enclaves are rendered all but untenable, reduced to all but debris, well, it's a free country, they can stay and starve, they can stay and watch their infant children die at three times the national rate for the first year of life after coming home from the maternity clinic. A white child has a better chance of living to age forty-five than an Indian baby of living to its first birthday.

They can stay and watch their infant children sicken from the wild diarrhea that is related to malnutrition and the filth of poverty and apparently linked to permanent mental retardation; they can stay and watch the children contract the eye and ear infections that are all but unknown to the surrounding outside world and that so often lead to permanent blindness and deafness. They can stay and watch their boys and girls commit suicide at a rate that can attain some very cold and distant heights—"parents are lost in despair and do not dare to look their children in the eye," writes an ethnologist long familiar with Fort Hall, Idaho, where the suicide rate has run as high as ten times the national average and, for teenagers, has reached one hundred times the rate of the American world outside.

There are people red and white, in and out of the Government, some of them dedicated well beyond any call of duty, doing their utmost to help however they can in the Indians' desperate defense—and there are maybe still more people, sometimes red as well as white, in the Government as well as out, doing their best to maintain relentless pressure against Indian communities, regarding as both inevitable and desirable the eradication of the alien Indian world, disintegration of the communal un-American tribes, and full integration of surviving Indian individuals into the "American mainstream."

An anti-Indian weapon that was wrought great mischief in this long seige is a widespread notion, utterly erroneous, that Indian lands are really public lands, owned by the Government and available for public use. This misconception springs from the Government's customary role as trustee of Indian lands. In fact, of course, most Indian reservations were established in payment for cessions that at the time were regarded as important, and usually confirmed the Indians in permanent and complete ownership of their reserved lands in the most explicit possible terms; and as a rule the treaty commissioners felt they were making splendid bargains and as a rule they certainly were. President Washington said of the 1790 treaty that President Jackson refused to honor some forty years later that it was "of great importance to the future tranquillity of the state of Georgia as well as of the United States" and told the Senate that on it "the fate of the Southern states . . . may principally depend . . ." for the treaty obtained the vital support of the Creek Indians in securing the southern border of the new United States against Spain.

More often, though, such treaties and agreements were made in return for cessions of land, and in addition to spelling out Indian land rights and other compensation, swore most solemnly to protect the Indians and their property from any rapacious neighbors, including state and local governments. It was to effect this protection that the Federal Government assumed the above-mentioned trusteeship.

The Administration of President Washington confirmed certain lands in and about the western end of the state of New York as "the property of the Seneca Nation; and the United States will never claim the same, nor disturb the Seneca Nation . . . in the free use and enjoyment thereof. . . ." (A typical time limit placed on such contracts was "As long as the moon rises, the grass is green, the rivers flow, and the sun shines.") But the U.S. Army Corps of Engineers, recommending in 1938 the use of some of these lands in the "take area" (area to be flooded) of the projected Kinzua dam, noted only that some "treaty difficulties" might be encountered; these were left prudently unmentioned when the project was put before Congress as one of many in a routine Public Works Act. Eventually they were brought to public attention in something of a furor that may have raised the price of the conscience money paid the Seneca Nation, but in the end the Corps of Engineers got the land it wanted and the treaty was violated.

The Metropolitan Water District of Los Angeles is an old hand at the legerdemain of private right and public wrong so prevalent in current Indian affairs. In 1936 it drove a tunnel through the mountains above the reservation of Soboba in southern California and in doing so broke into the underground water-course that gave the reservation its water supply. Soboba's three streams and two dozen artesian wells promptly dried up. Its couple of hundred residents, Cahuilla Indians, were left without water and are still without water. A $200,000 hospital on the reservation, for the use of Indians in all the surrounding region, fell into ruins. The people, those who tried to stay, had to haul water, and still do. Non-Indian ranchers in the vicinity received prompt settlement of damages but the Indians are still trying to collect from the Metropolitan Water District, since grown into a huge complex of power, one of the ruling forces of California. The Federal Government, which as trustee of the damaged lands had to approve legal action, declined, for reason of its own, to do so; a claim then brought against the Government, following the establishment of the Indian Claims Commission in 1946, is still pending.

If the Government seems none too speedy in considering the sufferings of the wronged Soboba people, it has been even less so in the case of four reservations (Pala, La Jolla, Rincon, and Pauma-Yuima) along the San Luis Rey River in Southern California, where in 1894 the Escondido Mutual Water Company diverted much of the water without a by-your-leave from a point on the river above the reservations, and in the 1920s a dam took most of what was left. As with Soboba, the Indians concerned, thwarted in all other recourse, at last submitted a claim against the Government. This claim is also pending its leisurely way, while the Government lawyers are developing the interesting argument that the Indians should be suing not the Government but the persons who took their water, and that it is no proper concern of the Government's right hand, now serving as counsel for the defense, if the Government's left hand has prevented precisely such suits.

These Indians are poor, and the poor don't have to be alien in order to learn patience in the halls of justice. But some relatives of the Soboba people, the Agua Caliente band of Cahuilla Indians at Palm Springs, California, the "Palm Springs" Indians, still have land holdings in that wealthy resort community and are therefore the richest Indians in the world, as everyone knows, or as everyone knew until 1967 when it was discovered they had been systematically short-changed for quite some while out of quite a lot of change.

Palm Springs was big business by the 1950s, and the Bureau of Indian Affairs came in at the time for impatient criticism over red tape that was holding up the "development" of various Indian lands, most specifically a tribally owned section (640 acres) in the center of town. Between 1955 and 1958 the BIA transferred much of its trusteeship jurisdiction over these lands to Judge Hilton H. McCabe, of the state Superior Court in the Palm Springs area; a California law of 1957 then gave state courts broad powers for appointing "conservators" to handle the affairs of owners of estates who might be assumed deficient in business skills. Federal legislation of 1959 then divided most of the Agua Caliente's tribal lands among the band's 104 members, who were promptly bestrewn with choirs of guardians and conservators. Edmund Peter Siva, an Indian conservatee, said later that by 1961 "everybody was grabbing himself an Indian."

In 1964 the Agua Caliente Tribal Council formally charged the Bureau of Indian Affairs with "an unwarranted abdication" of its trust responsibility, and alleged a reign of wrong-doing under the Superior Court's administration; Judge McCabe was hastily promoted out of the fire to a place as presiding justice in one of the state Appellate Court divisions; and in 1967 reporter George Ringwald of the Riverside, California, *Press-Enterprise* won a Pulitzer for a series of articles describing the details of the lucrative Indian-conservator racket in Palm Springs.

It was disclosed that guardians and conservators had collected fees that frequently ran to more than fifty percent of the Indian conservatee's income and sometimes went as high as 250 per cent; judges had received questionable fees; attorneys had collected fees from lessees of Indian land at the same time they were taking fees from the Indian lessors; conservators had received kickbacks from real estate brokers; Indian land had been sold without consulting the Indian owners; conservators had turned many a pretty penny, in one instance accumulating as much as a quarter of a million dollars, while Indian conservatees had perforce lived more modestly—in one case a conservator took as fee $9,000 from $9189.73 cash on hand in the conservatee's bank account; in another an Indian minor child was given about $3,000 out of a total income of some $23,000, guardians and their lawyers taking the rest.

Clearly the BIA, officially obligated to conserve and defend the rights and appurtenances of the Indian world, is not very well armed to withstand attacks from weighty politicians or influential local interests.

It is still more vulnerable to sibling rivalry within its parent organization, the Department of the Interior, where it has long lived a stepchild's life in the secretariat of Public Land Management.

A classic sibling contest is now in progress at Pyramid Lake, Nevada, where the United States Bureau of Reclamation and sundry allies have challenged the BIA for the waters of the Truckee River, which supply the lake, which in turn is the property of the Northern Paiute Indian Tribe, but which may be ex-

tracted from the Indians' pocket by the simple expedient of drying it up.

The thirty-mile-long lake, one of the real beauty spots of the desert West, is the only possession of any consequence of the Pyramid Lake Paiutes, and could be of considerable consequence in future development. But irrigation districts and the Bureau of Reclamation have been diverting more and more Truckee water for years, for the ultimate benefit of white ranchers and the real estate speculators of nearby Reno.

One of several water-use deals in the area is the Reclamation Bureau's Newlands Project which covers miles of country south of the Pyramid Lake reservation (some of this, ironically, land filched from the reservation in earlier years), an effort to make the desert bloom that hasn't been doing too well—Newlands is at the bottom of the Reclamation Bureau's Crop Production Report, highest in water cost, lowest in crop yield. Nevertheless the Reclamation Bureau is pushing its ditching program and wants some 400,000 acre-feet of water annually for the Newlands project. A Federal court gave the Paiutes a legal right to 30,000 acre-feet annually in 1944, but only for irrigation—none whatever for their lake. No one denies that the lake was made Paiute property in perpetuity by a Government decree of 1859—but where does the decree say anything about the lake being obliged to have water in it?

The justice of the Paiutes' cause is so patent that the issue is simply one of "ordinary decency," as an eminent authority on water law was quoted in *The Christian Science Monitor*. But Secretary of the Interior Walter Hickel, after a conference with the Republican governors of Nevada and California in "the forty-foot mahogany cruiser of a Reno gambler" (new item) on Lake Tahoe, has thrown the whole weight of Interior against the Piautes and the BIA and in favor of a "reduction" of the lake.

There used to be a sign beside the road on the Pyramid Lake reservation bearing only the words "God Bless You." I didn't see it when I camped there one night of full moon last June.

Everyone says, "Wasn't it awful what we did to the Indians a hundred years ago?" But no one—except the besieged themselves, the aliens, the Indians—seems to notice that the process is still in business, very much so. The chasm of alienness is so deep that we are blind to the outrages committed within it. Our injustices toward Indians are not really intentional, just invisible.

Certainly the many individuals high and low who put through the Kinzua project could not all have been conscious that they were outraging President Washington's—let alone their country's—word of honor. The engineers and the lawyers and the steel mill people (an important purpose of the Kinzua dam was "to slake the thirsty boilers of Pittsburgh steel mills," as one expert put it) and the politicians were for the most part just doing their jobs. True, the Senecas did not want to sell any part of their ancestral lands at any price and regarded the seizure as a gross illegality, but after all it was a minor thing, wasn't it? Only 130 families dispossessed—and they were paid enough to make it right twice over, weren't they?

The Kafkaesque delays encountered by the people of Soboba have come in part from efforts by the Bureau of Indian Affairs down through the years to make use of the Soboba water situation for its own ends. Any settlement with the Metropolitan Water District had to be approved by the BIA, which attached to any proposed settlement provisions requiring the Soboba people to surrender their rights to certin tribal safeguards and government services, a "termination" agreement the BIA had long wished to force from the Soboba Cahuillas, and that the Soboba people steadfastly refused. The officials trying to coerce these distressed Cahuillas into accepting such a settlement were themselves, as a rule, certainly disinterested, even uninterested—they were simply carrying out a policy that was part of their job. Whether it was just or not was none of their business.

Official findings have held that maintaining Pyramid Lake for the Paiutes was not a "beneficial use" of Truckee River water, while cattle-raising and new irrigation districts and maintaining marshland for duck hunters were "beneficial uses." It is difficult for our officials to take an Indian community seriously not only as a moral entity but even as a serious business enterprise. If Pyramid Lake were owned by, say Pacific Gas and Electric, it is highly unlikely two governors and a Secretary of the Interior would be conspiring to abduct it.

The sense of such alienness, such differentness, may help explain the curious fact that so many good people not officials of our institutions, seem to feel it is no crime to steal from Indians. As in eastern Oklahoma, where some of the poorest people in the United States, people of backwoods Indian communities, live in some of the most beautiful country in the United States (they are, incidentally, some of the handsomest people in the United States). Senator Robert Kennedy, visiting the region in 1968, found large families living in tiny tar paper shacks, ninety per cent of the Cherokee families of Adair County on welfare, ninety-nine per cent of the Choctaw families of McCurtain County on welfare, annual income—for those who could find work—averaging $700.

How can these fine-looking people manage to be so poor? One way is by being robbed of their land. Around the turn of the century the U.S. Government possessed itself of most of the tribally held lands in eastern Oklahoma (some 60 years or so after President Jackson's remedial promise to the contrary), giving individual Indians small-farm allotments. For years it has been a local sport to steal these little parcels of allotted Indian land. The rules are a breeze. An allotment, exempt from taxation by act of Congress, happens to be included on the county tax rolls, by accident of course, unbeknownst to all and especially unbeknownst to the Indian owner. Somehow, though, a non-Indian citizen happens to know about it, and presently buys the land for delinquent taxes. After fifteen years, the statute of limitations having run out, the new owner announces himself, and the Indian ex-owner is duly evicted. The ex-owner then has open to him a freelance career in the serfdom business.

A most respectable Oklahoman, for years a minister of the gospel, talking to me of this land-swindling, confessed with some shamefacedness, but only a little, that he himself had once bought 300 acres at thirty cents an acre. Then his conscience had smote him a mite so he had sold it—for $13.50 an acre. But, he said with some relief, his conscience was clear now because his son, who of course was honest, being well brought up, owned 2,000 acres of such land.

They live in the very epicenter of the Bible belt, there in eastern Oklahoma, and surely not a one of them would stand up for sin.

The Indian world, communal, unbusinesslike, devoted more to living than to getting, so un-American it is outside the pale of ordinary decency for good Americans, may indeed be more American, and better American, than yours and mine. It is simply different.

For some Americans it is so different it is an anti-world. "Did the United States destroy the Indians? No, but it should have," says a headline on the cover of a recent issue of the *National Review*, presumably stating the position of the extreme right in regard to Indians.

As a different world, as anti-world, its existence may fulfill a need for the rest of our society, an unconscious need, perhaps. Witness the hippies' somewhat pathetic attempts to tie up to this shadowy Indian world, so little known but somehow sensed as a new Mount Ararat.

It is this Indian world, this world of alien Indian communities, that is the miner's canary for our democracy.

It is still alive at this writing.

[From the Progressive magazine, February 1970]

AMERICAN INDIANS: THE REAL AMERICAN REVOLUTION

(By William Brandon)

A young Indian girl in Berkeley told me that in saying goodby to her old-fashioned parents—her mother in blanket and high moccasins, her father in sober tall black sombrero—she had felt she was leaving them as far behind as on another planet, because she was becoming a "catalyst of rebellion" in the Third World Liberation Front. Yet the objectives she would fight for with the TWLF—more money, better jobs, even the grand objective of seizing power, were the usual and proper aims of the apple-pie American world. Her tribal parents, inhabiting a world of truly different dimensions, uninterested in proper American values, not even interested in seizing power, were, it seemed to me, the real revolutionaries of her family, absorbed in an authentic revolutionary movement: their Indian community.

The radical character of the Indian world is most easily discernible in its sense of community, a community identity originally founded on the custom of communal ownership: ownership of land in common by a related group of people is one of the few traits that might be applied sweepingly to nearly all American Indians throughout the heimsphere. This community superlife, based on a communal ownership still frequently in evidence, is the unique quality of the Indian world. It is an attitude truly revolutionary for our present world, which rather derives from the Old World kingship pattern—public domain regarded as the property of a ruling government apparatus, a notion prevailing in most modern states, socialist or Communist included.

In the true communal ownership of Indian tradition, each member of the community has an "absolute and complete" right of actual ownership, as the U.S. Court of Claims held in an 1893 opinion later sustained by the U.S. Supreme Court. "Chiefs and headmen" have no authority to dispose of these rights, and even a majority of the tribe or community has no authority to sell the communal property, which would seem to constitute, said the Court, "taking away the property of the minority and disposing of it without their consent."

The communal point of view has always been difficult for the private-ownership mentality to grasp. The 1893 Court remarked that this difficulty was no doubt at the bottom of "many of our troubles with the Indian tribes." It still is. It is the alieness of this communal identity that elicits much of our harassment (conscious and unconscious) of the Indian world, that puts Indian children at odds with our schools, and that fires the pressures for "termination" of Federal protection of Indian groups with the ultimate objective of forcing the collapse of the Indian communities, compelling their people to disperse and, at last, to become "assimilated" in our own competitive culture.

Although Indian leaders, too, give lip service to the pious aims of more money and better jobs, these are acceptable only on the Indian community's terms. The people of an Indian community generally will not sell out for individual opportunities no matter how alluring, will undergo any priva-

tions to remain part of their living community. The community superlife, calling for inter-personal harmony rather than interpersonal striving, is in absolute opposition to the orthodox American gods of work-as-a-virtue and amassing personal wealth as the measure of success.

"Nor have I been able to learn," wrote Columbus of the first New World people he met, "whether they held personal property, for it seemed to me that whatever one had, they all took shares of. . ." Even after nearly five centuries of acculturation in the profit motive, much of this quaint tendency still survives in the deeps of the Indian spirit. Vestiges of it may been seen now and then on the surface: In the spring of 1969 a Wisconsin jury found a city-dwelling Ojibwa Indian not guilty of auto theft for the temporary appropriation of another city-Indian's car, after hearing testimony on the Indian tradition of communal property.

The Indian world does not preach its revolutionary ideology. It would for the most part recoil in embarrassment from anything like the New Left's aggressive self-righteousness. It is usually so indrawn as to seem occult and secretive. But even without proselyting, the long-run redskin revolution may well have changed the world, already, more than might be supposed, by the mere example of the Indian presence, with its seeming classlessness and freedom from toil and tyranny. Rousseau and Marx and Engels, among others, made specific acknowledgment of its influence. Today's hippies, now a worldwide fifth column, profess in words and costume their vision of the revolutionary Indian community. The "correctness" of the vision is immaterial; what counts is the reality of the tension the Indian influence can still bring to bear against the majority morality.

Will we, can we, permit this revolutionary world to go on ticking away in our midst? The obvious response is that of course we can and of course we should—we should, in fact, do everything in our power to aid its survival. The continuing Indian revolution is essential to the health of our own world in more ways than one: not only in providing our democracy with the oxygen of a truly alien presence, but in keeping alive that heart-beat of community so strong in the Indian world, so feeble in our own, so necessary, possibly, to the survival of us all.

But is communication already choked off between the two worlds, red and white? Has the Indian world already been shattered beyond repair? If not, what then can citizens of good will and concern do to help?

I think communication is wide open, for anyone who will lend an ear and a voice. The Indian world won't preach but it loves conversation. The bitterness that has come into being between black and white is not generally echoed between red and white—at least not yet. The one thing he knows about white men, says James Baldwin, is that they do not want to be black; but this is not so true as to red and never has been. In some areas a certain cachet has always attached to being an Indian, and too many non-red Americans still listen with romantic longing to the distant Indian drum and "yearn with tenderness for its days calm and innocent," as Rousseau wrote two hundred years ago.

So what exactly can we do? We can help in many ways, some easy, some hard. It is often hard to ascertain the actual intent of public measures relating to Indian affairs. Actual aims, as in any political dealings, are often painstakingly masked, and in any case Indian matters are a foreign land not easy to know. But an inquiry to an Indian organization such as the National Congress of American Indians (1346 Connecticut Avenue N.W., Washington, D.C. 20036) or an Indian-related organization such as the Association on American Indian Affairs (475 Riverside Drive, New York, N.Y. 10027) will bring inside information on any current issue. One can then easily enough make known his support for public measures helpful to Indian communities, honestly meant to be helpful in relieving the all but unendurable privation the quiet revolutionaries there have endured generation after generation; or make known opposition to those measures offering help with booby-traps attached or aiming directly at the destruction of Indian communities, such as drives for "termination."

Hardest of all acts of assistance is one that is a mere act of thought, or maybe spirit: simply realizing that the Indian community is genuinely alien, and accepting it as such.

The Indian world has by no means been shattered beyond repair, notwithstanding Sunday supplement obituaries. It is very much alive—miraculously so, perhaps, but nevertheless so—even in the United States, where only about one per cent of the full-blooded Indians of the hemisphere live.

It is not only alive, it is, here and there, potentially strong and even potentially rich. Alaskan oil is the headline loot of the moment, and the battle lines are being drawn to determine what will be either the biggest windfall or the biggest steal in the history of our generously looted native peoples. The issue, in its simplest terms, is whether the Eskimos, Indians, and Aleuts of Alaska will enjoy royalties even as would you and I if we were the owners of their lands, or whether they will be squeezed off with less than a fair price. The difference could run into billions—even the Government's minimum first offer runs to half a billion or so. Secretary of the Interior Walter Hickel, with an impressive record of brutally squeezing Eskimos while he was governor of Alaska, is in charge of the Nixon Administration's maneuvers in this caper, which is undoubtedly the major Indian concern of the Administration. But the Alaska Federation of Natives is employing heavyweight legal counsel, and the natives have some determined supporters; the Association on American Indian Affairs, for one, is budgeting a six-figure expenditure for an advertising campaign intended to spread the full story before the public.

Other Indian riches are in strategic lands, other subsurface rights, and especially, water rights. The Crow Tribe in Montana claims a little matter of fifty-five miles of the Big Horn River. The Shoshones claim another stretch of the same river above them, in Wyoming. There are a number of such treasure troves of Indian water, particularly in the West. Indian water rights are almost the last such rights still undeveloped, in many cases are already quite valuable, and in some cases will become of almost incalculable value. As a consequence they are tempting many a reflective eye.

A new revolutionary conflict could be shaping up here, from the collision of Indian concepts of nature with the multiple-use concept that is so firmly established in all our affairs. Multi-purpose use is as sacred to the U.S. Forest Service, for example, as Smokey the Bear—"YOUR NATIONAL FOREST, LAND OF MANY USES." Can this praiseworthy philosophy be in error? The Taos Indians of New Mexico argue that it certainly can be, and base their argument on claims of sacredness that considerably antedate Smokey the Bear and the U.S. Forest Service and, for that matter, the United States itself.

Taos Pueblo, which in current archaeological opinion has been in business at the same location since at least 900–1100 A.D., sits at the foot of mountains containing regions regarded as sacred by the Taos people; especially sacred are the slopes of spruce and fir providing the watershed for the little river, the Rio Pueblo, that furnishes the pueblo's water.

Blue Lake, a perfect-circle mountain lake where the Rio Pueblo has its source, is the most holy shrine of all. The little river brings life for all living things within its dominion; all life in its area, including the life of the pueblo and its people, is interlocked in a religious unity that must not be disturbed, and this unity must be observed and preserved by regular ceremonies in the Blue Lake forests that have been followed since—say the Taosenos—the beginning of time.

These sacred Blue Lake lands were included in a national forest preserve in 1906 under the erroneous assumption that they were public lands. The Indian Claims Commission ruled in 1965 that Taos Pueblo was indeed the rightful owner of the Blue Lake country, and the pueblo was offered compensation, as is customary in Indian claims cases. But the Taos people want the land, not money. It is the place that is sacred, not its value.

The Forest Service, in line with its basic multiple-use approach, is entirely amenable to the Taos people using the land for religious purposes, among other multi-purposes. The Forest Service has even tried to placate the Indians with special-use permits. But the Indians want no outsiders at all multiple-using in any way their Blue Lake country. They want their mountain church returned wholly and exclusively to them, and have been saying so with Pueblo patience and stubbornness for more than half a century.

The Forest Service, encouraged by various groups of "sportsmen," has been equally tenacious in fighting to hold onto the Blue Lake lands. Public users of the Blue Lake special-permit area, which takes in most of the 48,000 acres involved in the Taos demand, are not numerous—an average of forty non-Indians a year enter this region, by Forest Service records—but they can be vociferous. The sportsmen and the Forest Service clearly see themselves as defenders of the faith of multiple-use against the heresy of exclusive use desired by "these Indians."

At a meeting of the Taos Pueblo Council I asked what concessions they might ever consider in the way of multiple-use for the Blue Lake area. None at all, said the council members. Except for their secret religious ceremonies they wanted the entire area left untouched, subject to proper conservation practices that would be carried out by the Department of the Interior as trustee for the lands. Beyond this, said the blanket-wrapped councilmen, only such multiple-use as their lands might receive at the hands of the Creator.

But the associate chief of the U.S. Forest Service testified before a Congressional committee with equal earnestness that in his belief the Taos people would have reasonable freedom to pursue their religion within the Forest Service framework of multiple-use, including planned commercial timber "harvesting," increased short-term visitor use, and range management for increased livestock use involving the division of the whole area into cross-fenced sub-units.

In general, where Indian resources and particularly water rights are concerned, some experts feel that the typical American multiple-use concept will be all but confiscatory, if Indian communities consent to sell out for participation in the big-bankroll water-development programs now tooling up. There are huge projects of this sort—the Four Corners Project in the Navajo country is one example, including a planned model city that will cost a billion dollars. Many of these projects depend entirely on the prospect of buying Indian water rights for a questionable bowl of multiple-use pottage.

The point is that multiple-use is basically catch-as-catch-can utilitarian. Each resource is milked for whatever it may provide. In

California, showcase for all our newest ills, Santa Barbara Channel may be used for recreation, fishing, commercial shipping, and oil-drilling too. In such free-wheeling operations, the top-dollar profit usually grows the biggest muscles. Pasadena's tourist business, worth millions, died in refinery smog, worth more millions. Indian rights, in such fast company, would be hopelessly overmatched. But can they hang aloof? A particular property right comes in question, the right to delay development of a given resource or even to reject outright any multi-purpose uses offered, a right that may reach as far afield from utilitarianism as esthetics or religion.

The only real opposition to multiple-use as it is presently practiced lies in a notion dear to conservationists and wild-eyed old socialists—total planning, planning that deals with the total environment, with all resources, for the total benefit of the total world, not just on a piecemeal utilitarian basis.

There are forces of some strength gathering to fight for this different world—forces concerned over growing populations, growing pollution, growing greed, growing strife. It is possible that in the United States this great debate could open, within the next few years, over the legal question of Indian water rights.

The whole spectrum of differences between an Indian community in action and a non-Indian community in action would repay the most serious large-scale study. Newly evolving forms of tribal government, usually including closed-membership corporations or reasonable facsimilies thereof, may bear resemblances now and then to white corporations—the same investment counselors and tax counselors may be hired by both—but in essence they are novel structures because they are built on foundations that are different, alien, foundations shaped by the tradition of communal ownership.

Most concrete Indian successes are realized in group terms—tribal cattle herds, or the communal big business of recreation on some reservations, such at the $1.5 million complex being built by the Crows in Montana, at Yellowtail Dam on the Bighorn. Or spectacularly in land: The financial renaissance within no more than ten years of the Cheyenne River Sioux in South Dakota (they now operate, among other things, a cattle business, sales pavilion, supermarket, and their own telephone company serving Indians and non-Indians in two counties) grew mainly from initial successes with a tribal land-consolidation program. The Tribal Land Enterprise agency of the Rosebud Sioux in South Dakota buys land at a rate reaching a quarter-million dollars a year, and the land-consolidation program of the Crows has reached, a half-million dollars' worth a year.

But these occasional successes have barely made a dent in the massive Indian poverty described in the first of these articles. The much-publicized project of bringing industry to the reservations has made another dent, somewhat offset by the fact that the main pitch to industry has been low capital cost and cheap labor, scarcely conducive to blue-chip deals; and even seamier considerations have appeared here and there, as in current efforts to thrust a giant paper mill upon Isleta Pueblo, New Mexico, so as to sidestep anti-pollution rules set up by the state (Indian land isn't subject to state control).

It will take more than dents to remedy reservation poverty—it will take a solid breakthrough in giving back to the Indian communities sufficient land to live on. At present, the process is still going the wrong direction: Indian lands and resources are still being whittled away. Land-consolidation operations financed by the Indians themselves cannot possibly fill the required bill. The nation simply needs to honor its given word in securing to the Indian communities a livable land base. Nothing less will work.

In the same way, if the destruction of the Indian world and its children by misfit education is to cease, Indian education must be oriented to the Indian community, as the second article in this series tried to demonstrate.

Indian control, or even supervisory participation, is also an urgent need in reservation development, including any industrial development. Colonialism dies hard—there is still a feeling in the business world that the lion's share of Indian resources, whether human, vegetable, or mineral, should go to the white raj. Ronnie Lupe, tribal council chairman of the White Mountain Apaches, was pilloried by all non-Indian Arizona in the spring of 1969 for standing firm against a multi-million dollar proposition that did not give the Apaches as much control as they wanted. He told me that he and the council had decided they should not take any deal in which the tribe did not have eighty per cent ownership. This is a high-spirited figure. Most deals are considerably closer to zero percentage in Indian ownership.

But ownership entails risk and maneuverability, which Indian communities, in their mummy-wrappings of Bureau of Indian Affairs red tape, can seldom offer—and when they do, they are often, at least at first, as lambs in a world of wolves. The Crows dropped nearly half a million of their own money in their first venture, an electric-toothbrush factory—located within cannon shot of the Custer battlefield—but have since been doing all right. The Navajos are a well known example of hardnosed success and home-owned to boot—their portfolio contains quite a list of diversified ownerships, including, as a sort of ultimate in something, the Navajo Tribe's own credit card.

When it comes to legislation on Indian matters, Indian opinion is politely asked and regularly ignored. The so-called Indian Civil Rights amendment, tacked onto the 1968 Civil Rights Bill, is already back for repairs embodying recommendations a number of Indian witnesses had urged during six years of committee hearings. The subject is of much importance to the Indian world. On the one hand, civil rights represents a constant danger area in tribal life; group identity easily comes into conflict with individual liberties, and the more "successful," the more powerful the tribal administration, the greater the danger that authoritarianism may take over and run wild. On the other hand, the white raj, chronically hostile to the whole idea of group identity, would be not at all displeased to destroy it in the name of civil rights, a splendid new weapon in the assimilation arsenal.

The one point on which all Indians and experts are agreed is that Indians must have more voice in their own affairs—especially in handling their own money. Money earned by an Indian community, from leases or whatever, is customarily paid into the U.S. Treasury and then returned via a maze of red tape, and beribboned with controls, to the Indian community. Funds appropriated to the Bureau of Indian Affairs for Indian benefit travel a labyrinth wilder still. The regulations, the restrictions, the line-by-line reporting, the delays, the frustrations cultured among conscientious BIA people as well as among the Indian victims, attain without doubt some of the finest triumphs of bureaucracy in our time.

Tragedies, real and unnecessary tragedies, are a commonplace in the Indian world as a direct result of this situation. In the summer of 1969 a drought ruined grazing and caught the Papagos, in southern Arizona, short of feed for their tribal herd. This is not an unheard-of occurrence in that desert country, and the average cattleman obtains emergency funds for buying hay and rides it through—but emergency funds for Indians have to be untangled from red tape.

More than 500 head of Indian cattle had died of starvation before the "paper processing" for emergency help even got started. For the total herd of 12,000 head, some 1,200 bales of low grade hay a day were needed, which, at $3.25 a bale, about twice the normal price, was far beyond anything the Papagos, who are among the poorest Indians in the country, could scrape up out of their own ready cash. The tribe had coming, however, a check for some three million dollars from copper-mining interests in connection with the opening of a $100 million copper mine on the reservation. This check was due to arrive at any moment—but of course it could not be drawn against in advance.

Meanwhile, officials conferred on emergency measures. One procedure resulted in an official request from the Department of the Interior to the Department of Agriculture to declare the tribe eligible for the Federal free feed grain program—to the bitter amusement of all cow-country people, who knew range cattle would not eat grain to begin with, and cows weakened by starvation could not handle rich grain even if they would eat it. Even so, such grain might have been traded locally for hay, although not by regulation-shackled Indians.

And so, throughout July and August, the cattle died, bringing far-reaching hardship for those Indian families dependent on stock-raising as their only means of livelihood. The overall loss in cattle before the drought and the nightmare ended in early September was some 2,000 head.

On September 13 the tribe received, in proper form through the proper channels, the copper check—$3.7 million.

The need, obviously, is for a thorough revision of the ungainly regulations under which the Bureau of Indian Affairs operates. It is necessary to repeat—again—that a solution is *not* the abolition of the BIA, which would mean termination. The BIA is absolutely essential as a trustee and protector of Indian rights and possessions, and should be strengthened as such.

Indian communities deeply need a strong Federal agency conserving and guarding their interests against other governmental agencies and powerful predators from the "private sector," but that protection surely does not need to extend to a minute interference in the communities' own internal operations. BIA weaknesses in stance and procedural rules are at least in some part the result of deliberate intent to cripple on the part of hostile Congressional committees, and will be repaired only by a struggle that could last a long time. But there is no reason whatever that Indian communities should not at once receive and control directly all their own funds, and the operational portion of Federal funds appropriated for Indian-related purposes, as Federal grants of whatever kind to towns and cities and counties are normally administered by the recipient community itself.

This, as with the substance of each of these three articles, deals with ideas that might be expressed as brief definite proposals. The three paramount ones can be summed up:

One—Restoration of lands and resources sufficient for present Indian populations.

Two—Direct Indian control of Indian schools.

Three—Direct Indian control of Indian funds, public as well as tribal.

The world of Indian communities is a world worth keeping with us. We are solemnly obligated, by treaties sworn on the heads of our fathers, to sustain it in our midst, but in all likelihood the obligation is of less import than the long-time yield we may be returned. The Indian has a property in the moon, Thoreau said, and he did not mean astronautically; the real business of the Indian revolution may turn out to be the illumination of the dark side of the soul, maybe even our own.

[From the Progressive Magazine, January 1970]

THE AMERICAN INDIANS: THE UN-AMERICANS

(By William Brandon)

One thing American Indians don't lack is Indian experts. All told, there are probably more experts than Indians. For example, on the poverty-stricked Oglala Sioux reservation at Pine Ridge, South Dakota, sixty-four research projects are currently under way with a combined cost in academic salaries alone that would feed all the hungry children on the reservation. Almost the only people acquainted with Indians who don't claim to be Indian experts are the Indians themselves. The Indians' job is to listen to the experts. They listen because they have to, because essential structures of their community life are controlled by the experts and their "programs."

In traveling over the country last summer interviewing Indians and Indian experts, I found these two groups did not share, at least not equally, the same concerns.

Most Indians seemed most concerned that Indian communities are poor because they do not have enough land and resources for their growing populations. ("Indian community" means a tribal community with a quasi-sovereignty of its own and a sense of relatedness among its people akin to that of a religious community.) They were concerned, too, that we, the "dominant society," raid and besiege and harass them because they are alien—indeed so alien they won't even leave their poor communities and go look for jobs some place else, as we would do; and concerned that our raids and attacks are chiseling away what lands and resources they still have left, which leaves the still growing Indian populations even poorer.

These, it seemed to me, were the main areas of Indian concern.

The experts talked mostly about education. Experts have a touching faith in education, but Indians don't cotton to our white education at all. Their school dropout rates are high. "Achievement" rates are low. Indian students are, as a rule, just not interested in the kind of schools we provide for them. This bewildering problem has divided the experts into two camps.

One camp, made up generally of experts with a nationwide point of view, believes we should reconstruct Indian education to fit the Indian world.

The other camp, made up generally of experts concerned with the operation of local school districts, thinks we should keep hacking away at Indian children to carve them to fit into the pattern of our white education.

Until now the bureaucrats have won, and they fully expect to keep on winning. But it is impressive that after these many years of force-fed misfit education so many Indians are still resisting. In 1966, some 10,000 to 16,000—statistics differ—Indian children between the ages of eight and sixteen—somewhere about ten per cent of the total U.S. Indian school-age population of some 150,000—were out of school altogether. For some this was because no schools were available, but for many others, even though few Indian parents these days will admit it, it must be considered a deliberate withholding. The modern period in Indian statistics is neatly bracketed by the dates of 1891, when three Kiowa schoolboys froze to death trying to get home across blizzard-swept plains after runing away from school, and 1967, when two Navajo students died in precisely the same way.

There is involved a clash, a conflict so profound that it takes place in the soul's least conscious depths. Our school system is naturally built to our own scale of values, "competitive, exploitative, oriented to acquisition, and above all to individual success," in the words of Dr. Anne Smith, Santa Fe anthropologist and author of several works on Indian education in New Mexico. But these values are directly opposed to the gods of the Indian world. The inherent Indian orientation is toward a sense of community, interpersonal harmony, group endeavor and achievement, rather than isolated endeavor and individual achievement. To the Indian child therefore our schools are likely to seem either silly or hostile, as he comes to realize they are teaching false values compared to the values learned at home.

A number of recent studies have disclosed that the Indian family usually presents to the schools a stable, well-adjusted, willing, quick-learning child, who does splendidly at first, and then, at about the fourth or fifth grade, begins to regress. By the time he finishes high school—sixty per cent drop out along the way—he has acquired less than a tenth-grade education. Many teachers have commented on the typical Indian child in kindergarten, so outgoing and happy and friendly, who turns into the withdrawn, rather apprehensive child of later grades. Clearly, he approaches the big outside world ready for a joyous embrace, and the big outside world gradually infects his spirit with the nightmare sickness of finding one's self out of kilter with a world one expected to love.

Worst of all, since the children are danced into this invisible chasm of alienness without any idea that it is there, each child thinks his "failure" must mean there is something wrong with him personally. A 1966 Government report much quoted by educators (the Coleman Report) revealed that twelfth-grade Indian students chose for themselves bottom rank in answers to the question, "How bright do you think you are?"

Not surprisingly, this misfit educational system long ago lost interest in its apathetic child victims; its "goals" are for the benefit of the system, not the students. Prison-like boarding schools were established for easier administrative efficiency, better living conditions for the staff, convenience in using the visual-aid gadgets that to the superficial mind define "quality education." These children's concentration camps have come in for flaming criticism, much of it from white patriots alleging the Indian schools were slowing down "assimilation" by keeping Indian children fenced off from the melting pot. So, in 1965–66, the Government asked Indians what they thought of taking Indian children away from the Bureau of Indian Affairs and its segregated schools. Some younger Indians favored this, but most tribal spokesmen protested vehemently, less from love for the BIA schools than from opposition to the rejected goal of assimilation.

The Government thereupon carried out the vetoed proposal anyway but without saying so, and while education is still big business—two-fifths of the 1968 budget—in the BIA, two-thirds of all Indian pupils have been quietly transferred to public schools, where Federal funds pay for them by the head. Two of the leading specialists in Indian education, Professors Murray and Rosalie Wax, told me at the University of Kansas last summer that this hasty switch to public schools promises to be catastrophic. The public schools are generally unprepared for Indian students, and, with only occasional exceptions, uninterested in any special preparation.

"We teach exactly the same courses and use exactly the same textbooks as all other Arizona schools," said the superintendent of the handsome new elementary and high school on the Papago reservation in the desert country of southern Arizona. He was caustic about "Indian values" that were supposedly worth "saving." "My parents came from Denmark," he said. "They did not teach us children Danish. They were happy to come to this fine country with all its great and wonderful opportunities. They wanted us children to appreciate America and be Americans." The superintendent all but implied that if the Indians didn't like this fine country they should go back where they came from.

Related to the central misfit problem are various other handicaps—language, for one. Classes are usually conducted in English although two-thirds of the children know no English at all when they begin school.

Our "best" people think nothing can be finer for their own children than a bilingual education in French, but an Indian child is generally regarded as "disadvantaged" by red and white alike because he speaks Cherokee or Ojibwa or Tsimshian—this, even though it is beginning to be recognized that Indian languages possess their own literatures, often literatures of beauty and sophistication. But the effects of the "primitive language" misconception will long remain, especially among the ignorant who speak of all Indian languages as "Indian dialects."

Malnutrition is a deep-lying handicap, as is racial discrimination. The U.S. Office of Education has reported that one out of four public school teachers would prefer not to teach Indian children.

Anti-Indian prejudice, where it exists, is blazingly open. "What do these Indians do, mostly?" I asked a white businessman on the Northern Cheyenne reservation in Montana. "As little as possible, like all the rest of the lazy bastards everywhere," he said unsmilingly. Do black people talk of police harassment? The national arrest rate for Indians is five times that for blacks—twenty-five times the rate for whites.

When I was in South Dakota a few months ago the Sioux were exercised—they still are—over the Tom White Hawk and the Baxter Berry murder cases. In the White Hawk case, an Indian college student from the Rosebud Sioux reservation, who was drunk, shot and killed an elderly white jeweler in the course of attempted robbery, and raped the victim's wife. In the other a well-to-do rancher, son of a former governor of South Dakota, shot and left to die a young Rosebud Sioux, the minister of an Indian church, who had come to protest the rancher's shooting of Indian dogs said to be causing losses in the calf crop on the Berry ranch. White Hawk was sentenced to be electrocuted; after two years and several stays of execution the governor commuted the sentence to life imprisonment with a recommendation against any consideration of parole. Berry was acquitted by an all-white jury on a plea of self-defense, although the murdered Indian had been unarmed. The Rosebud Sioux tribal council revoked tribal grazing permits held by Berry but was overruled by BIA officials who could find "no justifiable reason" for cancellation.

When parents practice prejudice, the children's teeth are set on edge. At Point Arena, California, where the Kashaya Pomo children from the wretched Stewart's Point reservation go to high school, all the Stewart's Point students are driven out sooner or later; the Kashaya say they haven't had a child finish high school in years.

Booze and broken homes, a characteristic dirge of the urban ghetto, is less a constant theme in the Indian world, where a tightly organized community can sometimes withstand incredible poverty pressures—but when such a modality does take over, and children from it then collide with a rigid, ill-natured, alien outside world, the results are often dramatized in the absolute destruction of the young. Youthful suicides, all but unheard-of among some Indian groups, such as the Pueblos, have reached fantastically high rates elsewhere in the Indian world, as at Fort Hall, Idaho, where child suicides have occurred as early as eight years of age. The late Senator Robert Kennedy's account of the jail-suicide at Fort

Hall of a sixteen-year-old boy accused of drinking during school hours was given wide publicity but is by no means an isolated example. Rather more flagrant might be the case of the Sioux boy who hanged himself in the Wilkin County jail at Breckenridge, Minnesota, in December, 1968, after having been held in the jail, according to a newspaper story, "in virtual isolation" for seven weeks. His age was thirteen. He was charged with having been involved, along with three older boys, in a car theft. He had been given no court hearing during his seven weeks in jail. The judge cleared his docket during a part of that time to go on a hunting trip.

Says Dr. Karl Menninger of such instances: "Where one commits suicide, scores are in despair."

Even though our Indian education is, plainly, misfitted to basic Indian culture, it can still train students in technical and professional skills. Despairing Indian parents see no way out of a poverty future for their children except to force them into the schools, and some Indian students do survive to remain tribal people while becoming university trained doctors, lawyers, or Indian chiefs. Yet some are left hopelessly deformed; some are trapped by the alien gods and find themselves "assimilated." Most, however, reject the education that is so foreign to their real world: The average Indian ends his formal education with just five years of school.

A faint hope has sprung up among deeply concerned Indian experts that the practice of carving an Indian child to fit the white educational system may be overthrown. Their hope is based mainly on the work of the special U.S. Senate subcommittee on Indian education, the "Kennedy Committee" first chaired by Senator Robert Kennedy, later by Senator Edward Kennedy. The subcommittee's final report, presented early in November, 1969, offers sixty concrete recommendations designed to bring about "culturally sensitive" programs and bilingual programs and increased Indian control of Indian education. It calls for a White House conference and a Senate Select Committee to see that these basic changes are really made. Throughout the 2,371 pages of testimony, the opinion prevails that the present destructive schooling should cease and that education for Indians should be totally redirected to fit the outlook of the Indian world, to "strengthen and develop and ennoble" the Indian social structure rather than oppose it, as the subcommittee testimony quotes expert Bruce Gaarder of the U.S. Office of Education.

The obvious first move toward achieving the the goal is simply to let Indians run their own schools, or, in the case of mixed schools, to serve on school boards more proportionally than is now the case.

Another obvious move is toward bilingual education. This can serve both the welfare of Indian students and the welfare of Indian languages, inextricably bound up together.

The model bilingual public school now in action is the Coral Way elementary school in Dade County, Florida, for the use of refugee Cubans. All subjects are taught half the day in Spanish and half the day in English. For Indian pupils this procedure will require translations into various Indian languages of grade-school textbooks dealing with subjects such as social and natural sciences, history, and mathematics. It will require not only Indian teachers, now rare, but, even rarer, teachers of the same tribal tongue as the pupils, all plus factors of such magnitude for Indian education as to well repay the difficulties involved.

The best known current attempts at bilingual Indian education are the Rough Rock Demonstration School in the Navajo country, and the new Navajo Community College nearby at Many Farms, Arizona. (*See "Student Activists: The Navajo Way," by Stan Steiner in the July, 1969, issue of* The Progressive.) Both were started during the last four years by Dr. Robert Roessel, a white educator with a Navajo wife; both schools have attracted attention from educators all over the world, particularly for their endeavors to make the Indian community an integral part of the educational process. A few more orthodox schools and colleges have made some progress in such redirection. Fort Lewis College, a state college at Durango, Colorado, is white orthodox in entrance requirements but runs an intercultural program well enough that it has more Indian students in its small enrollment than there are in the relatively giant universities of Arizona and New Mexico combined.

A reconstruction of Indian education around the fundamental structures of the Indian world—a world of living together, rather than striving against one another for acquisitions, a world of community—might conceivably offer a vestibule to reconstruction of Indian education even in our mainstream world.

These various possibilities and hopes are now only foreshadowed. The important news in Indian education is the wholesale transfer of Indian students into public schools. While Indian criticism is fired at Indian education in both BIA and public schools, some of the strongest Indian protests against the public-school switch are aimed at another target altogether: Removing education from the Bureau of Indian Affairs might be a step toward dismemberment of the BIA and thus toward "termination."

Termination is truly a word of ill omen to tribal Indians. Its meaning in Indian affairs is the termination of "Federal responsibility," the responsibility of the Federal Government to act as trustee for Indian lands, rights, and resources; the responsibility to protect Indian groups in these rights and possessions—protect them particularly against states, counties, cities, or other local powers that might divest them of their rights and possessions—and to provide certain services such as education and health.

These responsibilities are based upon treaty promises or other equally legal commitments, in which the Federal Government pledged, in return for cessions of value, to render unto specific Indian groups specific rights and their protection, plus the provision of schools, hospitals, sawmills, teachers, doctors, tools and implements, roads, supplies when needed—all the services of the modern world, to be supplied and administered by the Federal Government rather than administered under state and local jurisdictions, because of well-founded apprehensions that state and local jurisdictions might not be trustworthy in carrying out such promises.

When this Federal responsibility is abrogated, the Indian community thus "terminated" is more than likely to fall prey to disintegration; few Indian communities are rich and strong enough to survive on their own under state and local jurisdictions armed with tax powers and hostile to the Indian community's way of life. The Menominee Nation of Wisconsin, terminated some ten years ago and transformed into Wisconsin's smallest and poorest county, seems already near the end of a losing fight for life; White purchasers are being invited to buy homesites in numbers that will make them a majority in the county. Whether it then remains a white-dominated county, or is absorbed by other counties, or becomes a National Park as some unhappy and concerned Wisconsinites are urging, the Menominee Indian Nation, simply unable to handle the state and local costs piled on it, seems to be headed for the shadows.

For many Indians such community disintegration is a fate to be fought off at all cost. The bulldog survival of some Indian communities through generations of shot and shell (figurative and literal) that would have annihilated a hundred Prussias is little short of miraculous.

Many Americans, in and out of officialdom, have pressed relentlessly for destruction of these, to them, alien Indian communities. Foreign communities of all sorts, from Amish to Orthodox Jewish, can be tolerated so long as the people in them are properly earnest about toil, thrift, and getting ahead; ethnic minorities can be understood as long as all they want is a bigger slice of the American pie. But the Indian communities don't much care for the pie at all, and this is truly intolerable. This is true un-Americanism.

The struggle between those anxious to "break up the tribes" and the Indians who want to live as Indian communities has been going on for a long time, sometimes underground, sometimes in open view. This struggle underlies much of the action in Indian affairs, even where it may not at first glance seem to be an issue.

A strong terminationist cell in the U.S. Senate is in the very heartland of Indian political matters, the subcommittee on Indian Affairs. The committee's chief professional staffer, James Gamble, originally appointed on the recommendation of Senator Clinton P. Anderson of New Mexico, has long been, in the words of Ralph Nader, "the chief Congressional worker for termination and assimilation. . . . The intensity of his animosity toward what he considers the privileged position of Indians and the BIA . . . is almost startling!"

Termination does not raise the question of Indians remaining "primitive" or becoming "modern." The quality of being an Indian is not a matter of handicrafts or of grinding corn but of the all-important sense of community, which may well exist more genuinely in overalls or business suits than in feathers and beads. It is the community that is brought into question: It is only the tribal community that lives under the constant menace of termination; urban assimilated Indians are already counted as captured—perhaps prematurely, for it was young urban Indians who engineered the occupation of Alcatraz Island in San Francisco Bay, and if any national Indian movement ever develops it will probably be nonreservation urban Indians who set it off. But termination is aimed at reservation communities only, and turns on one issue only, the issue of alienness, pure and simple.

Acceptance of tribal Indians, these communal aliens, perhaps the only genuine aliens left in our world, may face rough times ahead, as paranoia becomes more and more a national characteristic. Not surprisingly, beleaguered Indians have picked up a little paranoia, too, and see stealthy termination plots on every hand. But the menace is indeed real, never entirely absent even under the friendliest of climates. Generally speaking, whenever a politician, white or red, talks of "freeing" Indians from their "wardship restrictions" or demands "freedom" via the abolition of reservations and the BIA, he is probably plugging, openly or covertly, for termination. An Indian community can free itself any time of restrictions, of reservation status, of the BIA, merely by termination of its community life. Most Indian communities would rather struggle along alive. It is not separation from the BIA that Indian communities most want but some control over their destiny under the umbrella of the BIA.

The termination argument given widest circulation is that it would be an economy measure—"get the country out of the Indian business," save some money even if it means violating every Indian treaty ever made. In connection with this argument figures are often cited purporting to show the high cost in Federal funds and the large number of employes devoted to so few Indians. This expense is high indeed, even allowing for the normally high pipe-friction costs of bureaucratic operation. However, the apparent high per capita ratio of costs and the number of public employes in the

Indian business should be compared to a corresponding figure for the general public of total costs of goods and services and total number of public employes in *all* jurisdictions combined—Federal *and* state and local—for the nation as a whole. Such a comparison puts the per capita Government expense for reservation Indians about equal to that for the general population. Politicians viewing Federal Indian costs with righteous indignation are seldom conscious of this fact. Nor do they seem aware that when Indian communities are terminated, the Federal expense, although thereafter more or less masked, remains at least as high, or goes even higher, as the state and local governments demand increased Federal aid in supporting the added expense the state and county and municipality have assumed; states and local jurisdictions are never inclined to forget the legal Federal responsibility for Indians.

Total Government expenditures in all Indian matters since 1781—including, among other details, the cost of buying the United States from its owners—totals about three billion dollars. This is not quite enough to keep our brushfire war in Vietnam running for six weeks. There are many parallels between Vietnam and our Indian wars of the past, but cost is not one of them.

One aspect of termination, the Indian property of considerable value that might then go up for grabs, is an important aspect in the eyes of would-be terminators, and perhaps in some other respects may be more important to our mainstream world than is generally recognized even by terminationists (as I propose to show in the concluding article of this series). The future of the Indian world may conceivably be even wilder than its past.

NEW YORK CITY COUNCIL UNANIMOUSLY SUPPORTS RYAN LEGISLATION TO COMBAT LEAD POISONING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, lead poisoning is a serious childhood disease which afflicts 1- to 6-year-old children in the slums of our urban centers.

Until recently, this insidious disease had been ignored—its causes and effects unknown. The symptoms of the disease were very similar to those of a flu or virus, and often cases were not discovered until they reached their most acute stages—resulting in possible mental retardation, brain damage, epilepsy, cerebral palsy, and sometimes even death.

Young children will eat anything they can get their hands on. In pre-World War II housing, which has usually deteriorated, paint and plaster peels and falls within the children's reach.

Although many cities have now passed ordinances forbidding use of lead-based paint, older buildings still have coats of lead-based paint, to which children are exposed, because the slum landlords do not perform proper maintenance work.

It is estimated that more than 200,000 American children are lead poisoning victims. In New York City, it is estimated that 25,000 to 30,000 children are afflicted with the disease.

To cope with this environmental disease, which now can and should be checked, I have introduced three bills with some 20 cosponsors.

H.R. 9191—H.R. 13256 and 14736 with cosponsors—establishes a fund in the Department of Health, Education, and Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

H.R. 9192—H.R. 13254 and 14735 with cosponsors—authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

And H.R. 11699—H.R. 13255 and 14734—requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation, and that these plans be enforced.

Senator KENNEDY has introduced a similar bill, S. 3216, in the Senate with cosponsors and our legislation has received widespread support.

I am happy to inform the House that on February 10, 1970, Councilman David B. Friedland presented a resolution to the New York City Council calling upon Congress to enact this legislation. Councilman Friedland's resolution was considered immediately, the entire council requested permission to join in sponsoring the measure, and the resolution was unanimously passed without being referred to committee. I want to include in the CONGRESSIONAL RECORD the resolution which was unanimously adopted by the New York City Council on February 10, 1970.

I hope that my colleagues will heed the urgency expressed in the resolution of the New York City Council which reflects the growing concern about this needless disease and the need to eliminate it.

The resolution follows:

RESOLUTION OF THE NEW YORK CITY COUNCIL

Resolution calling upon Congress to enact pending legislation to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based paint poisoning and eliminate the causes thereof.

By Messrs: Friedland, Taylor, Burden and Postel: Ryan, Greitzer and entire council.

Whereas, It has been estimated that over 200,000 young children in the United States residing in old tenement buildings are victims of lead poisoning as a result of eating chips of paint tainted with lead from peeling window sills, door frames and walls and from crumbling plaster; and

Whereas, Approximately 25,000 to 35,000 children in New York City are adversely affected by lead poisoning annually; and

Whereas, 60% of all lead poisoning occurs in children between the ages of 2 and 3; and

Whereas, Lead poisoning results in neurological disorders, brain damage with mental retardation as a sequel and, at times, death; and

Whereas, The disablement of these innocent youngsters directly and indirectly affects the great bulk of the citizenry in terms of hosiptalization costs, maintenance of mental institutions and therapy and social and other problems; and

Whereas, The causes of lead poisoning are known so that immediate steps should be taken to eradicate same, to alert parents as to the dangers of lead poisoning and of the need for prompt medical treatment; and

Whereas, There are three bills sponsored by Congressman William F. Ryan presently pending in Congress to provide for federal financial assistance to the cities and communities for the detection and treatment of lead-based poisoning cases and for the elimination of the causes thereof; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to enact one of the foregoing bills to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based poisoning and eliminate the causes thereof.

THE QUOTA SYSTEM—IT JUST WON'T WORK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, as Americans throughout the country see the absolute debacle which has resulted from the efforts of the leftists to force race mixing in the public schools, it becomes increasingly clear that this sorry experiment nears its unlamented end.

Volumes are being written about the failure, all trying to prove that the objective was good, only the method bad. The reaction of the mixologists to their failure is to try another tactic to obtain the same impossible end.

A totally integrated society is the objective of the left, apparently at any cost. So long as men are free, they cannot be forced into associations with one another against their will, nor should they be.

The essence of our civilization is the freedom to each man to do the most with his life that he can do, without in any way interfering with the same right in his neighbor. Success is not guaranteed—only freedom to try.

The quota system is dismally wrong. This implies that a certain number of individuals will achieve success without regard to their capabilities. No more and no less than the magic number will succeed. Not only will such a system hold back those who may be competent, but in excess of the quota, but it will certify as competent those who are incompetent—just to fill the quota.

The quota system has failed in the public schools. Its application has effectively destroyed public education in much of the land.

It is a dismal failure in both the Army and the National Guard. In each case it was applied as a sociological experiment at best, and a raw payoff for demagogs in reality. It should be made plain that the task of the Armed Forces, whether Regular or Reserve, is to fight. They are not the proper ground for either demagoguery or social experimentation. What improves their ability to perform their mission is proper, what does not is not.

We are witnessing the incursion of the quota system into the field of labor, including our labor unions. The architects of the school failure now demand that a certain quota of Negroes be hired—or given craft status by the unions—

whether or not they are qualified. If workingmen put up with this dishonesty very long, at the risk of their own jobs, their own seniority, their own safety, their pride in their craft and their hopes for their sons, then I do not know the people whom I have the honor to represent in the Congress.

Mr. Noyes' column concludes with the statement that the "problems" somehow, surely, must be solved. They will be, but not by further foolishness. They will be solved by reason and honest evaluation of the facts, as they were solved in the South until the demagogs, for their own selfish purposes, deliberately upset the delicate balance of a century.

Pertinent clippings are included in my remarks:

[From the Washington Star, February 26, 1970]

SCHOOL DESEGREGATION RESULTS RAISE QUESTIONS

(By Crosby S. Noyes)

I'm sorry, but I must respectfully disagree.

I do not believe that we are in the midst of a deep and basic reversal on the issue of civil rights.

I do not believe that the Senate of the United States has now cravenly abandoned the policy of racial integration.

And most of all, I do not believe that we are experiencing a popular reaction aimed against the black people of this country.

That these conclusions have been drawn from the events which took place in Washington last week is largely a measure of the confusion surrounding those events.

No one, including the prime movers in the Senate debate, claims to know what effect, if any, the famous "Stennis Amendment" will have on the problem of school desegregation. The despairing intuition of some liberals that it reflects a deep and sinister national trend has no real evidence to support it.

What it may reflect—and even here, given the cross-currents of political tendencies within the debate, it is impossible to be sure—is a new spirit of critical reappraisal of some of the basic dogmas of the civil rights program.

A good deal of what was said in the Senate echoes what is being said pretty generally throughout the country. And what this adds up to is not a rejection of the objectives of the civil rights movement, but rather a certain disillusionment by both races with the results of school desegregation as it has worked so far.

There were, after all, a certain number of assumptions, held to be self-evident, behind the Supreme Court's school desegregation ruling of 1954.

The main assumption, of course, was that segregated education was inherently unequal education. Another was that unequal educational opportunity was a primary cause for the disadvantage of black people within the society.

From these assumptions, it followed logically that an integrated educational system must result in better schools for blacks, even at a temporary sacrifice in educational quality for some whites. It also followed—and this is the bedrock of liberal philosophy—that integration starting at the elementary school level must result in breaking down social barriers between the races and in a more harmonious and equitable society.

It is these assumptions that are being questioned today. And indeed, one would have to be either a fool or a fanatic to pretend that the questions, 16 years after the Supreme Court's order, do not have validity.

Granted that the order has not been universally applied. Resistance in the South—and in the North, as well—to the literal application of the court's edict has been widespread. In the Deep South, many school districts have been gerrymandered to preserve traditional patterns of racially segregated education. In the Northern cities, segregated residential patterns and resistance to the busing of schoolchildren have in many cases prevented effective integration.

The new skepticism, however, has not resulted from the failure to achieve universal compliance. In schools all over the country, a wide variety of racial integration has existed for many years. There has been time to test the validity of the basic assumptions that produced the 1954 decision. And the findings, in the view of many people, are not entirely encouraging.

It is hard to argue that school integration has succeeded in most places in significantly upgrading the educational opportunity of black students. Here in Washington and elsewhere, it has undoubtedly speeded up the process of residential segregation by the movement of white families—and blacks who can afford it—toward the suburbs. The result is that Washington's technically "integrated" school system is today over 90 percent black.

Even where this has not been the pattern, there is a widespread impression that the quality of public education has deteriorated dangerously over the last decade. There are, of course, a variety of reasons for this that have nothing to do with integration.

But it has been found that the cultural and environmental disadvantages of black children from poor families are not automatically overcome by putting them in classes with white children. And the complication of the teacher's job resulting from this problem has increased the strain on the system as a whole.

Nor has integration notably improved relations between the races. The growing violence in the schools, the spontaneous social segregation of students within the schools, the demand of black students for studies "relevant" to them, all are discouraging symptoms.

These negative aspects, however, certainly do not invalidate the most basic assumption of all. The goal of integration—in housing, schools, jobs and all the rest of it—still is essential to the creation of a successful multiracial society. A return to enforced segregation in any area is simply unthinkable.

What is needed, quite clearly, is more time and far more resources than have been available so far. Enforced school integration has not turned out to be the instant panacea it once was thought. The educational system by itself is not capable of solving the problems that affect and afflict the society as a whole. But somehow, surely, the problems must be solved.

[From the Army Times, Feb. 18, 1970]

DEFENSE PUSHING RACIAL LESSONS

(By Bob Schweitz)

WASHINGTON.—Every basic trainee will receive lessons in race relations, and every soldier in the Army will recognize and understand the Black Power salute when he sees it, if the Defense Department's civil rights chief has his way.

L. Howard Bennett, Deputy Assistant Secretary of Defense for Civil Rights, will recommend the following action by commanders to ease racial tensions in the service:

"Threshold orientation", which would incorporate information about race relations into basic training.

Instruction for every serviceman in the meaning of signs and symbols such as the Black Power sign and salute.

Open forums where blacks and whites would discuss racial problems and related issues face-to-face.

On-post social activities where young women—black and white—from nearby communities would participate.

More literature, movies, recordings and entertainment relevant to blacks available to Negro soldiers.

These steps would be in addition to those offered by the newly formed Inter-Service Task Force on Education in Race Relations ordered into being by Secretary of Defense Melvin R. Laird last month.

The task force will have eight members. There will be one officer and one enlisted man from each service. One of the two from each service will be a minority group member. A colonel (or a Navy captain) will be added to chair the group and the tenth member will be Secretary Bennett.

The task force will develop an educational program on race relations to be used throughout the armed forces.

Laird also asked each service to "examine in depth its own communications to judge whether or not it promotes better understanding between races, as a basis for then taking steps necessary to improve it."

Bennett would also launch a series of group activities. He says in his outline for command leadership, "A whole array of group activities suggest themselves: group singing (whites could learn the spirituals and Negroes country and western); group dancing (Negroes could learn the polkas and schottisches and the whites the Charleston and the Cake Walk) . . ."

Bennett believes the majority of young Negroes in the services do not know of the progress which has been made since segregation was officially abolished in 1948.

"They are unaware of the growth in the number of Negro officers, the steady advances that have been made by enlisted personnel in obtaining middle management and supervisory positions in a wide variety of military occupational specialties."

The civil rights chief says that his 1968 trips to Europe and Southeast Asia have convinced him that "racial tensions were dangerously increasing."

He notes the rise of racial conflict in the cities and says that the civil disorders are moving from the streets into the junior and senior high schools.

"It should be of special concern to the military because it is from youth of high school age that we get the vast majority of young men coming into the service."

In his "threshold orientation" suggestion Bennett says "on the very first day a young man comes into the (service) it should be made crystal clear from the levels of command that neither his color, his race, his religion and his regional background nor the place from which he comes is going to have any bearing whatsoever on how well he gets along in the service."

Discussing the Black Power salute, Bennett said "a large number of white military personnel said to me that they felt that the Black Power salute signalled and meant that they would be violently attacked. It was a threatening sign."

Bennett says that what the salute "really means is that it is time for the black brothers and sisters to unite; to work together cooperatively to achieve their goals and objectives, and that it is their intention to get into the mainstream of American life at this time.

"We should have blacks and whites understand what each is saying to himself and to each other, and not continue to let personnel in the military talk in 'foreign tongues' and unknown signs."

The Defense official is asking commanders to make available "relevant literature and the relevant sound—that is, books, magazines, movies, records and musical entertainment—which go to the heart of the search and thrust for identity which blacks now seek. The quest for his black heritage—

which is good and meaningful not only to blacks, but highly informative and educational for all personnel—is the 'thing' with the new breed of black."

[From the Washington Star, Feb. 26, 1970]

GUARD REPORTS BLACKS SHUN ENLISTMENT DRIVE

A survey released by the National Guard Bureau indicates that Negro enlistment in the force over the last two years has remained virtually static despite administration efforts to attract blacks.

"We are very disappointed with the results of this survey," said Col. Wilmer Shimer, head of the equal opportunity and civil rights division of the National Guard Bureau.

Shimer, who compiled the semiannual report from nationwide returns, noted that preliminary reports from the Army Reserve and Air Force Reserve also showed a decline in percentage proportions of black recruits.

At the end of 1969, the combined Army and Air National Guard had 5,487 Negroes out of a total enlistment of 478,860, or 1.15 percent of the force. This compares with 5,541 Negroes at the end of 1968, when they represented 1.18 percent of the membership.

After the 1967 urban ghetto riots, when predominantly white units of the National Guard were used to quell the disturbances, the National Advisory Commission on Civil Disorders recommended to then-President Lyndon B. Johnson that immediate steps be taken to raise black participation in the Army National Guard substantially beyond the 1.24 percent it was at that time.

Citing "a matter of highest urgency," Johnson ordered a five-year plan to bring the membership to about 12 percent of Guard units in each state. However, the funds to carry out the project never passed Congress and similar funds were not included in the fiscal 1971 military budget.

Shimer attributed the continuing low level of black recruitment to "reluctance because of the use of the force primarily by government to control civil disturbances."

He also cited a predominantly poorer living level as a contributing factor in the blacks' reluctance to join the force. Enlistment in the National Guard entails 48 days of weekend drills and a 15-day training period each year. But the pay only averages out to $5 a day.

Unlike more affluent whites, the blacks cannot afford to take time from their jobs to enlist in the guard, Shimer said.

"Until the blacks have the same economical degree of livelihood as whites," Shimer claimed, "they are less likely to join the Guard."

Although National Guard officials insist the effort to increase black participation has not been abandoned, there appears to be little prospect of immediate improvement. Out of 132,167 prospective volunteers on the force's "waiting list," only 1,548 are black.

Beginning March 1, the Guard will begin a program to recruit a greater number of experienced soldiers. Since many of these veterans—including those from Vietnam—are black, officials expressed the hope that the drive will increase black representation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

JOB BANKS: A GOOD IDEA IN ACTION

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. MATHIAS. Mr. President, one of the most successful new tools for matching people with jobs is the job bank, a service which originated in Baltimore in 1968 and is now being launched in many other cities under Labor Department leadership.

The job bank is basically a simple, computerized, up-to-date listing of all jobs available in a metropolitan area. Because it is so efficient, employment service personnel have been freed from many time-consuming clerical tasks for more productive work in placement services. Employers have been encouraged to list more vacancies with local employment services. Most important, jobseekers have been made aware of substantially more opportunities and have gained far more confidence in local manpower services.

In an article in the February issue of Social Service Outlook, the publication of the New York State Department of Social Services, Secretary of Labor George P. Shultz summarized the tremendous success of the Baltimore job bank, which has served as the prototype and provided valuable experience for use throughout the Nation.

The Maryland State Employment Service and the Labor Department both deserve great credit for the success of the job banks to date. I ask unanimous consent to have Secretary Shultz' interesting article printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

OUR NATIONAL JOB BANK SYSTEM

(By Secretary of Labor George P. Shultz)

Before the end of June, computerized job banks are expected to be operational in 55 major metropolitan areas populated by more than half of our national labor force. Others will follow.

Two years ago there were none. The public employment service was overburdened with paperwork and trained professionals were forced to devote their time to clerical work—time sorely needed for counseling and job development.

Because of the paperwork gap, jobseekers often would be sent out after jobs that had already been filed, discouraging them and annoying the employer.

These and many other problems are solved by the relatively simple, inexpensive, but highly efficient job bank system which uses a computer to provide a daily up-to-date list of available jobs in a metropolitan area.

Simple as the job bank principle may sound, it results in a major innovation in the operating methods of the public employment service. It promises to improve considerably the entire process by which jobseekers and jobs are matched.

The service is speeded up, and the exposure of the applicant to job opportunities is expanded. In areas where the job bank has already been put into operation, it is found that the placements of hard-core unemployed have as much as doubled, and that employers in large numbers have turned to the public employment service in confidence to list their job openings.

The job bank does not attempt to use the computer to match workers and jobs. It uses the computer to assemble, update, and print a listing each night of all available job openings locally—in Baltimore, for example, as many as 10,000 or more. When the job bank first started there, only about 3,000 jobs were offered on an ordinary day.

Because the Baltimore job bank was the prototype, and has been in operation since May of 1968, it serves as the best example of the benefits the system offers.

The chief beneficiary is the disadvantaged applicant. The job bank has enabled the Maryland State Employment Service to improve significantly its manpower services to the disadvantaged in the Baltimore area. Placements of the disadvantaged, formerly about 17 percent of the monthly total, rapidly increased to more than 36 percent.

The employer's openings become exposed to a much larger number of applicants than has ever heretofore been the case. Applicants are furnished to them quickly, and when a job is filled, the opening is immediately removed from the list.

Maryland State Employment Service officials estimate that every Baltimore employer having more than 25 employes is using the service now to obtain workers.

Each morning 60 copies of the 300- to 600-page job list are reproduced and sped to employment service offices, to other manpower agencies, and to "outreach centers" located in the areas of heaviest unemployment.

The computer listings are arranged in DOT (*Dictionary of Occupational Titles*) code sequence. Training slots and orders from the National Alliance of Businessmen, the organization of private industry that spearheads the JOBS drive to place the hard-core unemployed, are included in the listings.

The listings contain such information as the amount of education required, physical demands of the job, working conditions, whether bonding or security clearance is required, and whether a handicapped person would be considered, in addition to the type of job and rate of pay.

Many of the jobs listed require little or no experience; others are openings for professionals. A battery of order-takers, usually about eight, records new openings received during the day. If these openings are not filled the same day, they are key-punched after the offices close to appear on the job bank lists the next morning.

During the day the computer keeps busy producing unemployment compensation checks and the like.

By 8 o'clock each morning, the "job book" is delivered to 17 "outreach" offices of the employment service in Baltimore. Before the new system went into effect, there were only three. With the job bank, it was possible to establish the 14 additional offices without additional personnel.

Just as in a non-computerized employment agency, the interviewer is responsible for matching the jobseeker to the job. If an applicant seems qualified and is willing to apply, the interviewer checks with "job central control" to see whether applicants are still needed to fill the employer's job order.

"Job central control" keeps track of the referrals, and tells the interviewer whether another applicant may be sent. The employer

is responsible for keeping his job order updated by informing the employment service of any change in the listing, or whether it should be canceled. Now all interviewers in all offices serve all types of applicants, and refer them to any type of employer, trying to fit or match the applicant with any of the openings listed in the job book.

The job bank is but one of a number of steps being taken to strengthen and build the federal-state public employment service into a comprehensive manpower services agency. It is our intention that this service shall be provided with the best guidance, equipment, and resources to accomplish its important mission.

But striking as the job bank is in assisting with the matching of men and jobs in the big cities, and even as we are establishing job banks in 55 of the nation's largest cities, we are looking beyond the job bank to the development of fully-automated statewide job-and-man matching systems under which the computer will help match specific jobs to the needs, interests, and ability of a particular applicant.

We expect such a system within five years.

THE GOAL IS NATIONAL

We have been moving forward rapidly in this field, and have experimental designs for matching systems in development in four states. Eventually the best of these, or the best parts of each, will be redesigned for adoption in other states to bring us closer to the goal of a national integrated fully-automated job-and-man matching system. From the experimentation it is anticipated that the already proven job bank systems being established in the large cities will evolve into fully-automated statewide matching systems which eventually will become a national integrated network.

It is at President Nixon's request that the automation of the public employment service is among the administration's top priority items.

We have indeed entered an era in which machines are aiding the men whom, it was feared, they might one day replace.

We have been balancing prudence against urgency as we forge ahead in this overall undertaking, which is one of the most ambitious computerization efforts ever made.

We are hoping to evolve a system that can instantly produce a current job inventory on a city, state, regional, or national basis; a similar inventory on job applicants; or a comprehensive identification of training areas and opportunities. Such a system conceivably could anticipate labor needs and head off the threat of economic crisis to a community by assessing where manpower programs should put their available resources to obtain greatest results.

There are major problems remaining to be overcome in establishing an electronics system big enough and sophisticated enough to meet the exacting needs of the federal-state network of more than 2,000 public employment offices. Spread ovr 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, these offices make more than 10 million job placements a year.

NONE EVER LIKE IT

The computers required will be among the largest now made. Ways must be found to make them do precisely the things the Labor Department wants them to do. This can be attained only through experimentation and development, trial and error, for no such system has ever before existed.

The first fully-automated state man-job matching system was launched about a year ago in Utah and is still experimental. It has already been modified and readapted. Starts have been made in Wisconsin, California, and New York, all testing systems or approaches. Some planning on designs has been done in other states.

Thus two basic approaches are being made, which eventually will merge into one national integrated system. While the sophisticated fully-automated system is being painstakingly developed, the inexpensive and simple metropolitan job bank system commendably fills the gap and paves the way.

The Baltimore job bank prototype has already demonstrated the improved manpower services that it makes possible. But the overall benefits of such a system, or of a fully-automated system, are many in economic as well as in human terms.

It is too early to determine operating costs of a fully-automated system. They might run as much as $100 million a year, perhaps more. But if the more direct service provided by computer-aided systems were to result in a reduction of the unemployment rate by as little as one-tenth of one percent, the approximate increase in wages be $600 million annually and unemployment insurance payments would decrease by $50 million.

FORMER AGRICULTURE UNDER SECRETARY SCHNITTKER FAVORS $10,000 PER CROP SUBSIDY CEILING WHILE POPULAR SUPPORT FOR REFORM GROWS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONTE. Mr. Speaker, a few days ago an excellent statement on proposals for new farm legislation was made before the Senate Committee on Agriculture and Forestry by the distinguished former Under Secretary of Agriculture, Dr. John A. Schnittker. Because of its importance I will insert a copy of the statement at the close of these remarks.

In examining the statement and in a recent conversation I had with Dr. Schnittker, I was convinced that our views have much in common. In fact this is evident from a comparison of this statement with remarks I made in this body only last week. (CONGRESSIONAL RECORD for February 19, 1970, p. 4059.)

We agree that there has been a disturbing lack of administration leadership in designing and supporting strongly a sound farm program—a point being made increasingly in the press. I will also include an example of press comment, an article by Mr. Don Oberdorfer in yesterday's Washington Post.

We agree that one change that simply must be a part of new farm legislation is to restore some semblance of budgetary restraints by making the farm payments program subject to the annual appropriations process.

Both Dr. Schnittker and I also see a good deal of merit in the administration's set-aside proposal in its capacity to "give farmers valuable new alternatives in using their land."

Finally, and perhaps most importantly, we agree that there must be a reasonable limitation on farm subsidy payments. Dr. Schnittker reminds us that Secretary Hardin himself has conceded that two-thirds of all cotton subsidies are income supplements, not needed for supply management purposes.

He also absolutely rejects the frequently repeated argument that limiting payments to large farmers would destroy the farm program and hurt small farmers. He rightly labels it a serious distortion to argue "that the way to help small farmers is to pay out more Federal money to big farmers."

Mr. Speaker, one new aspect of Dr. Schnittker's position, is one which I need further time to consider. He now proposes a limitation of $10,000 per program for each producer.

As you know, following the passage in this House of my amendment last year to limit total payments to $20,000, I proposed a limitation of $5,000 per crop in testimony before the House Agriculture Committee last July. Dr. Schnittker makes clear in this statement, and has assured me again personally, that the $5,000 ceiling is administratively feasible. Nevertheless, he now feels that, for 1970 at least, the higher ceiling of $10,000 would be a better choice.

One point, however, is crystal clear—the popular demand for this limitation is growing. Mr. Speaker, I hope some of my colleagues may have seen a recent excellent debate on the farm subsidy ceiling presented by the National Educational Television program "The Advocates" on February 8, 1970. Testifying in behalf of the ceiling were Dr. Schnittker and Mr. Nick Kotz of the Des Moines Register whose new book, "Let Them Eat Promises," is a damning indictment of the inadequacies of our past efforts to eradicate hunger and malnutrition. Presiding as decisionmaker was Senator BIRCH BAYH of Indiana.

As a result of that debate I am pleased to announce that of 2,200 who wrote in after the show from 48 States, 81 percent favored a limitation.

I am also pleased to report that support is growing for a limitation in the other body which has twice rejected my amendment passed in this House. Senator BAYH himself has now stated he favors a $10,000 ceiling and there are indications that more of his colleagues are moving in this direction.

The statement and news article referred to follow:

STATEMENT BY JOHN A. SCHNITTKER

I am John Schnittker, Professor of Economics at Kansas State University, Manhattan, Kansas. I am speaking only for myself today, not for any institution or association. I hope I can contribute to a stronger agricultural economy, and to a pattern of federal spending which distinguishes more clearly than in the past, between high and low priority public programs.

I congratulate the Chairman on his statement to the Senate a few weeks ago supporting the Food and Agriculture Act of 1965 as effective legislation, and as the base from which to consider future farm policies. The 1965 Act has succeeded beyond expectations. It requires some amendments, but the basic approach is sound.

The 1965 Act stands out in sharp contrast to the phantom character of the Administration's farm policy.

After one year, we cannot be sure what program the Administration wants for farmers, or whether it wants any program at all. No bill has yet been advanced to Congress over the signature of the President or the Secretary.

The failure of the Administration to come to the support of farmers, and of legitimate

farm price and income stabilization programs has been a calculated failure. It requires the Senate and the House of Representatives to address themselves to these questions even more seriously than in previous years.

Congress must lead the struggle to continue and to improve farm programs in 1970, since the President and the Administration will not.

The Food and Agriculture Act of 1965 provides a workable base from which to begin this effort. It should be amended, however, to adapt it to future needs, to treat commodity producers in different regions of the country more equitably, and to limit total payments to individual producers.

Farm programs were once needed to help small family farmers. Most farmers were in this group in the 1930's.

It is different today. We have 3 million farms, but only 1 million are serious producers. Most of the benefits of the commodity programs now go to relatively few farmers. One-third of our farmers market 90 per cent of our farm products; six per cent market 50 per cent.

Benefits from farm programs are distributed approximately in proportion to production on any farm. So price support programs help few persons on really small farms achieve the better life they want.

For the future, commodity-oriented farm policies must be designed principally for full-time farmers. We also need programs directed to the problems of small farmers and poor people in rural areas. Some form of minimum income or family assistance plan would reach many thousands of small farmers now almost entirely missed by price support programs.

Some of the federal funds now paid to our largest farmers would be better spent on other programs for farm or rural people. We should design and finance future policies affecting large farmers and small farmers in line with the real needs of the two groups, and in line with overall national needs.

THE 1965 ACT

The key features of the Food and Agricultural Act of 1965 were:

1. a system of direct payments to farmers for cotton, feed grains, and wheat;

2. revised price support loan formulas effectively setting parity prices aside and linking feed grains, wheat and cotton to world markets; and

3. effective acreage control programs.

Direct payments replaced high price supports, and voluntary (payment-based) acreage diversion replaced (supplemented, in the case of cotton and wheat) the former rather rigid system of acreage allotments.

These features of the 1965 Act should serve as building blocks for future programs for commercial agriculture.

FEED GRAINS

The feed grain program in the 1965 Act is good legislation. Price support and payment formulas are flexible. The Secretary of Agriculture has discretion to administer the program toward a wide-enough range of income and cost objectives.

Feed grain payments under this Act have been set at levels which encouraged just enough farmers to participate in acreage diversion, to reduce the stored surplus and later to gear annual crops to current needs. This is the kind of formula that should apply to all the commodity programs.

Existing law would permit surplus-free stabilization of feed grain supplies in the 1970's. If present price support loan levels were continued, annual expenditures would probably range from the current level of $1.5 billion a year, to perhaps $2 billion a year by 1973 or 1974, if yields rise faster than feed grain utilization, as I expect. There is adequate authority in present law, either to stabilize farm income and total program costs to reduce them, or to allow cost increases as described above. The range in which market prices could be supported under existing law is wide enough to suit almost any point of view on farm policy for the next 3 years.

It is extremely important, however, to expand feed grain exports. To this end, it would be better if the loan level for corn were to be related to world price levels, and if feed grain payment levels were set strictly according to acreage diversion and income targets. No other amendments are needed in the feed grain program.

It is feasible, however, for Congress to set a maximum level on total payments to producers of feed grains (in fact, any commodity) in advance, and to require the payment program to operate within that authorization.

WHEAT

The 1965 wheat program was a constructive change from the previous approach. Wheat is now priced as a feed grain; wheat and feed grain acreages are interchangeable on farms; wheat prices in the market are required to be supported near world price levels. The Secretary of Agriculture has adequate discretion in administering *most* features of the wheat program.

The payment (certificate) formula is too rigid, however. Payments are tied to parity prices, which are now obsolete except as a guide to the past, and should be systematically removed from the law. Wheat program costs to the federal government must increase by some $30 million each year as a result of this feature.

The payment formula for wheat should be amended to provide the opportunity for the Executive Branch and Congress to determine payment levels in advance, on a year-to-year basis through the budget and appropriations process.

COTTON

The cotton program in the 1965 Act is seriously in need of amendment. We ought to start out fresh, although the basic idea of competitive level price supports supplemented by direct payments is as sound for cotton as for the grains.

Payments of $900 million per year, mostly to large-scale cotton producers, are exorbitant by any standard. Cotton payments should be made only on the amount of cotton used in the United States, now some 8 million bales per year. This would be the same as in the wheat program. The payment level per pound should not be fixed as it is in present law. Congress and the Executive Branch should have the freedom to set maximum payments from year to year in the budget and appropriations process.

The present language in the law setting a minimum payment of 9 cents per pound on the domestic allotment could be retained if language requiring total payments to be equivalent of 65 per cent of parity on a fixed amount of cotton were to be deleted.

The "snap-back provision" exempting cotton from payment limitations must be deleted to make an across-the-board limitation on payments to individual farmers effective for cotton.

Acreage allotments for cotton should also be phased out or eliminated.

UNEQUAL TREATMENT

Feed grains, wheat, and cotton production are concentrated in different geographic regions. Unequal treatment of these commodities under our payment programs is, in fact, unequal treatment of the farmers who live in different parts of the country.

Rigid payment programs noted above require large direct income subsidies to cotton producers, and to a lesser extent to wheat producers. Payments to feed grain producers, however, include little or no direct income subsidy. Nearly the entire feed grain payment serves the function of production control, not income subsidy.

This is well illustrated in a tabulation made available last year by Secretary Hardin.

FUNCTIONAL CLASSIFICATION OF DIRECT PAYMENTS TO FARMERS IN 1968

[Dollar amounts in millions]

Program	Total payments	Supply management		Income supplement	
		Amount	Percent	Amount	Percent
Cotton	$784	$276	35	$508	65
Feed grains	1,369	1,221	89	148	11
Wheat	746	384	51	362	49
Total	2,899	1,881	65	1,018	35

I repeat: feed grain payments in 1968 were almost entirely devoted to limiting output (supply management), while only ⅓ of total cotton payments served that function.

In 1970, nearly the entire amount of $900 million for cotton payments will be an income subsidy, since the national acreage allotment for cotton has been increased, and cotton acreage is not severely limited on many farms. It certainly cannot be argued that a major part of cotton payments are for supply management.

One-half of all wheat payments in 1968 were direct income subsidies, but the 1970 figure will be lower, since the national acreage allotment has been reduced and wheat farmers must leave more of their land idle this year.

There is no justification for unequal treatment of producers in different regions. I urge the Senate to modify the payment formulas for cotton and wheat so that this situation can be corrected.

A PAYMENT LIMITATION

One major new provision should be added to the 1965 Act. *I urge the Senate to adopt a limitation on payments to any producer of farm products or owner of agricultural land.*

If the limitation applies to all programs together, including wool and sugar, it should not be higher than $20,000.

Alternatively, a limitation of $10,000 could be applied to *each commodity program.* This could be administered somewhat more effectively. I have argued on another occasion that the ceiling could be as low as $5,000 per program, but I believe the higher figure of $10,000 would be a better choice for 1970.

A ceiling of $10,000 *per program* would be similar on many farms to a ceiling of $20,000 *per farm,* since most farmers have several crops. The $10,000 figure would affect more producers, however. Approximately 25,000 farmers—still less than 1 per cent of all farmers—would be affected by such a ceiling. In 1968, this included 3.4 per cent (15,097) of all cotton producers with about 45 per cent of total cotton acreage, 0.4 per cent (5,428) of all feed grain producers with 6 per cent of total production, and 0.6 per cent (4,861) of all wheat producers with 10 per cent of all wheat production. Payments to these farmers (not counting sugar and wool) would have been reduced by about one-half, or by $250 million a year, if a $10,000 ceiling had been in effect in 1968 and 1969. Adding sugar and wool would increase savings materially, while affecting few additional producers.

Only 10,000 producers would have been affected by a $20,000 per farm limitation in 1968. Payments on those farms would have been reduced by about one-half—from $380 million to $200 million—for a saving of $180 million. Two percent of all feed grains, 3–4 per cent of all wheat, and around 28 per cent of all cotton produced was grown on farms that would have been affected.

Acreage diversion programs would be workable with payment limits at levels mentioned above. For the grains, such small propor-

tions are grown on large farms that production control would easily continue to be effective.

Cotton payments, however, serve the function of enhancing income, not of limiting production. I know it will be argued that cotton cannot be produced without huge subsidies. Some fear that our payments balance will suffer for lack of cotton to export.

I say it is ridiculous to pay cotton farmers $900 million a year to produce cotton worth only slightly more than $1 billion, and to produce cash exports of some $300 million per year. Our federal funds are too scarce, our public needs too great, and our balance of payments problems not nearly important enough to justify such payments.

It is regrettable that the argument has again been made in 1970, that limiting payments to large farmers would destroy the farm programs and hurt small farmers. This claim is absolutely without foundation, as shown earlier.

Put another way, this argues that the way to help small farmers is to pay out more federal money to big farmers. This is a serious distortion.

A payment limitation will be difficult for some producers. Land values inflated by huge payments may come down. Some areas may produce less cotton, but many large growers, relieved of allotments, would produce more.

I urge Congress to adopt a limit of $10,000 *per program* to apply to 1971 and subsequent crops. Congress should also provide firm directives against evasion of this provision.

THE SET-ASIDE—ADMINISTRATION BILL

The set-aside is not so different from acreage diversion programs operating under existing law. It would give farmers valuable new alternatives in using their land, but it would also bring some problems.

The bill as it stands, however, defies analysis. It includes unnecessarily broad administrative discretion for price supports, and virtually no guidelines. Under it, farm price supports, farm incomes and farm program spending could be substantially increased, or materially reduced by executive action.

A degree of discretion is essential to good administration. But the extent of discretion in the new bill is neither desirable nor useful.

A comprehensive and sympathetic analysis of the set-aside proposal by Professor Tweeten of Oklahoma State University a few weeks ago came to the following conclusions:

If cotton, feed grains, and wheat program costs paid by the federal government *were to be fixed* at recent levels, the set-aside would bring farmers $.5 billion less net income in 1971, than the present program.

If total net income were to be maintained at recent levels, the set-aside would cost the government about $.5 billion more than the existing programs would cost in 1971.

This is not a high recommendation. Even so, the set-aside idea has features leading to greater flexibility, especially for cotton, which ought to be examined.

FARM ORGANIZATION PROPOSALS

My general views on two proposals made by farm organizations are probably clear from my earlier statements.

The Farm Bureau bill features a 5-year transition to long-term land retirement contracts as the only means for limiting output. This will not work, in my opinion. Long-term land retirement is a useful and efficient supplement, but not a replacement for annual acreage diversion programs.

I favor a long-term program, and I had something to do with developing the Cropland Conversion and Cropland Adjustment Programs. Long-term contracts should be expanded and annual diversion programs reduced over time if we are to maintain reserve productive capacity in agriculture. But long-term contracts alone are not enough.

The other major feature of the Farm Bureau bill relates to compensation for low-income farmers, and is an idea deserving much greater study and support.

The Coalition bill has good features arising out of the 1965 Act. It includes, however, a number of provisions which lack merit. These include a minimum loan rate and minimum total price support for grains, an export payment for wheat, and a minimum price support level and acreage diversion program for oilseeds.

The extra annual cost of perhaps $1 billion or more each year for these features would not be a good investment, considering the distribution of farm program benefits and the clear need for greater funding of many other programs.

Present law and various bills apply to much more than cotton, feed grains and wheat. I will be glad to respond to questions on any aspect of agricultural legislation.

[From the Washington Post, Feb. 26, 1970]

NIXON IS NOT EXPECTED TO PUSH FOR REFORM OF FARM PROGRAM

(By Don Oberdorfer)

President Nixon has won justified acclaim for undertaking reform of several outmoded government programs, but on one of the largest and most glaring of them all—the farm program—he has lowered his voice to the whispering level.

Farm income support programs cost the U.S. taxpayers $4.5 billion annually, which is 50 per cent more than the federal outlay for elementary and secondary education or manpower training and about the same as the U.S. cost of the public assistance program which Mr. Nixon proposes to overhaul. Unlike the welfare program, however, the lion's share of the agriculture cash goes into the pockets of the comfortable and prosperous, and a great deal goes to the rich.

Of the three million farms remaining in America, the one million largest produce 90 per cent of the agricultural products. The largest six per cent of the farms produce half of the output. Under our subsidy system, most of the money goes to the people who produce large crops.

The present agricultural act expires at the end of 1970. Early last year, Mr. Nixon's adviser's decided that the way to enact a politically satisfactory farm bill was to let Congress take the lead. If things went well, there would be time later to claim administration credit in farm areas; if the bill went badly, as such measures usually do, the administration might get by with a minimum of blame.

Instead of proposing a major farm overhaul of his own, Mr. Nixon has said little or nothing on the subject. Instead, Secretary of Agriculture Clifford Hardin began drafting a "consensus" farm bill in an unprecedented series of 26 closed-door evening meetings with the House Agriculture Committee. The biggest change suggested by Hardin, to allow eventual lowering of price support levels, faces a doubtful future.

In view of the constantly dwindling influence and viability of the farm bloc, large numbers of urban and suburban votes will be needed to pass a big money agriculture bill this year. No longer is there a Democratic president in the White House to put the arm on city congressmen to go along. In this predicament, Chairman W. R. Poage (D.-Tex.) of the House Agriculture Committee has been holding up the food stamp program, which many urban lawmakers favor, as a sweetener to win support for an omnibus farm bill.

The trouble is, Poage and some of his colleagues have little sympathy for the food stamp program, and they have proceeded to devise state financial contributions and individual work requirements which are unacceptable to many urban congressmen. When discussing food for the poor, Poage has been known to berate the "lazy" and philosophize against aid to "drones."

About one-fourth of the people of his district are under the poverty line, but there is no food stamp program. Four of his 11 counties have no U.S. food distribution program for the poor. Most poor families in his home county can obtain U.S. surplus food only by appearing at an unmarked building once a month in a specified three-hour period.

Another major political problem for the farm bill is the demand for a dollar limit on individual subsidy payments. A limit of $20,000 per farmer was passed in the House last year, but killed after Senate action. This year the Nixon administration has reluctantly devised a graduated-limitation plan which would allow most big farmers to keep most of their benefits.

The vast majority of the really big beneficiaries are cotton farmers. In 1967, some 18,000 cotton farmers nationwide received more than $20,000 each in farm support payments, with a total take to these men of $361 million.

Texas led the nation in the number of big-subsidy recipients. John A. Schnittker compiled these figures while undersecretary of agriculture in a report kept secret during the Johnson administration. According to him, most of the money in the cotton program goes to supplement the incomes of cotton farmers; only a little of it is used to limit the size of the cotton crop.

The way the farm bill is proceeding now, the chances are it will face major trauma in the House. There will be significant reform only if Mr. Nixon stoutly insists upon it. So far there is little indication he will do so.

MR. LOUIS S. SELK

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MILLER of California. Mr. Speaker, I have received one of the most interesting and provocative letters from a very distinguished gentleman in my home city of Alameda, Calif.—Mr. Louis S. Selk.

I wish to share the letter and the article which inspired it with my colleagues in Congress; and, therefore, I am inserting them in the RECORD at this point:

ALAMEDA, CALIF.,
February 18, 1970.

Hon. GEORGE P. MILLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This letter carries one of the finest messages to the American people that I have heard in a good long time.

I was born and raised in the town of Axtell and am well aware of the rule that no "colored people" were allowed to stay over night in Axtell. Thank God, my views are with Mr. Riggs, and someday we and the rest of America can stamp out such feelings as did exist.

I am sending you this letter for your consideration to read it into the Congressional Record and to make all effort possible that it be given wide publicity to alert other midwest rural towns to eliminate such ordinances from their books.

Thank you very much.

LOUIS S. SELK.

LETTER TO THE EDITOR

DEAR EDITOR: In keeping with a New Year resolution to act on impulses before they are forgotten, I'm writing this letter.

Many outsiders who marry an Axtell native tend to adopt the town in the process. The remote setting of rural charm has much

appeal. Change does occur, but it is so gradual that it goes unnoticed.

Until recently, attending a church service in Axtell was a timeless experience. The things that were said and done seemed totally unrelated to the current world scene. Without a calendar you could not tell if it was 1910, 1930, or 1960.

But today, Feb. 8, 1970, the minister at the Axtell United Methodist Church was saying things that did relate to the world outside Axtell. The text was Jonah and the message was tolerance. It occurred to me that most of the good folk attending the service were in sympathy with the message, but it would be difficult to demonstrate tolerance for black people in a town where there are none. But I think there is a way.

I am not familiar with Axtell city ordinances but if they follow the general pattern, there are some that deal with nonwhites in a shockingly prejudiced manner. Assuming such ordinances do exist, we all know that they would not be enforced today.

However, it would be a meaningful, symbolic gesture if the Axtell citizenry would take the trouble to screen the books for rules reflecting racial prejudice and have them repealed.

Given adequate publicity, this simple gesture would accomplish two worthwhile objectives:

1. It would reveal the kind of inhumanity present at the time the rules were adopted, and

2. It would by contrast measure the extent to which the civil rights movement had succeeded in penetrating one of the remote conservative bastions of middle America. It would demonstrate that people have indeed changed.

RON RIGGS.

ATOMIC ENERGY AND THE ENVIRONMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. WOLFF. Mr. Speaker, as I have been doing during the past 2 weeks I would like to include in the RECORD two statements received at a hearing I held in New York recently with my colleague (Mr. REID) on atomic energy and the environment.

Today I am including statements from Larry Bogart, of the Citizens Committee for the Protection of the Environment, and Mrs. Claire Stern, of the Long Island Environmental Council:

CITIZENS COMMITTEE FOR PROTECTION OF THE ENVIRONMENT, OSSINING, N.Y.

(By Larry Bogart)

This year marks the 25th anniversary of the nuclear age.

What began as an awesome demonstration of the power of the unleashed atom on the desert in New Mexico, July 16, 1945, has grown to be a double threat to all of mankind. In the words of the poet, "This is the way the world ends—Not with a bang, but a whimper." Don't bet on that. It's a neck-and-neck race, with the split atom in first and second place.

President Kennedy called nuclear bombs the sword of Damocles that hangs over all our heads. Today we are in the process of enlarging our nuclear arsenal, which already has the ability to inflict overkill by a factor of 300. ABMs and MIRVs are being added to the more than 100 depots of nuclear weapons that dot the nation. Already impoverished, unable to find funds for restoring a livable environment after the military has preempted the largest part of the tax dollar, we now will purchase security by quadrupling our supply of plutonium-warheads.

The national motto should be changed from "In God We Trust" to "In the atom we trust."

The late Robert Oppenheimer, witnessing the frightful power of the first atomic explosion, quoted the Bhagvad Gita—"I am become death, destroyer of worlds."

Now we have enough nuclear weapons to allot the equivalent of 30 tons of TNT to every citizen, many of whom don't have a pound of food.

Although no use has been made of the power of the atom since Nagasaki, 1970 may be the end of the Moratorium. A war between Russia and China, which experts consider highly likely, would be a nuclear war. The U.S. would get enormous deadly fallout. Be warned.

In 1953 the word atom began to give way to the word nucleus, as we sought to exploit the potential of atomic energy for "peaceful" nuclear power. The public relations people thought the semantics could change the public's impression, and separate the dread of the atom bomb from the generation of electricity power by nuclear fission. The success has been almost complete.

In pursuit of the Atoms-for-Peace mania, millions of Americans have salved their consciences and looked the other way while the buildup of nuclear weapons multiplied. We have been all too willing to believe that the benefits to mankind from development of the "peaceful" atom have somehow justified Hiroshima and Nagasaki, and continuing development of more deadly nuclear devices.

If we could see what little value there has been in the whole overblown promotion of nuclear power; how, contrary to widely made claims, the growth of nuclear power has introduced a unique environmental threat and a danger to the health and safety of millions of citizens, we would turn in united action to compel the governments of the world to renounce the employment of nuclear weapons. We are now deceived into tolerating nuclear weapons by the fallacious belief that we are enjoying, or soon will, the blessings of the peaceful atom. Haven't we spent $19 billions over the past 15 years?

What have we got for it?

Nowhere does the promotion of nuclear energy pose such a threat as in the New York metropolitan area and the already badly deteriorating Long Island Sound.

The greatest concentration of nuclear plants is proposed for the most densely populated area in the East.

Despite recent revelations that nuclear plants are neither economical, clean, safe or reliable, present plans of utilities in New York, New Jersey and Connecticut call for multiplying nuclear generation 20-fold in the next 10 years.

Consolidated Edison has charted 13 nuclear reactors for the Hudson, Welfare Island and Long Island Sound. Long Island Lighting Company has applied for a construction permit from the AEC for an 800-megawatt boiling water reactor, the most polluting type, for Shoreham; and a site has been acquired near Huntington for another, also on Long Island Sound.

In addition to the large Connecticut Yankee nuclear station at Haddam Neck on the Connecticut River near its mouth on Long Island Sound, a large boiling water nuke is about to go to full power at Millstone Point near New London. Another even larger unit is being constructed at the same site. Having been dispossessed from Coekene Island off Westport, utilites are seeking another site for a nuke in that area.

Further east, large reactors are being suggested for Narragansett Bay and the New Bedford area, but an island at the mouth of the Sound, appropriately named No Man's Land, is the only fit place for the highly experimental reactors that are proliferating on every river and bay on the Atlantic Seaboard.

It's all been a ghastly mistake, according to some experts, but now we are boxed in and the options aren't attractive.

The light-water type reactor, which has been so assiduously peddled since 1966 that over 100 are in various stages of materializing has inherent defects. These could be tolerated in small out-of-the-way reactors, but assume nightmare dimensions when we move them closer to populated areas, quadruple the size and cluster them. Imagine rushing four 1000-megawatt reactors for David's Island, 500 yards from New Rochelle, when there's no operating experience with a single reactor even half the size. In their haste to commercialize nuclear power, the industrialists took the concept before the national laboratory had checked it out. There have been no prototypes. The AEC has rubberstamped the incomplete and imperfect technology and let loose on the land something that could be as devastating as the plague, but more subtle and insidous.

Others here today will describe all the disadvantages of the current design reactors.

The situation is doubly alarming because New York State, at the urging of Governor Rockefeller, has adopted a policy of maximizing nuclear power in the Empire State and has put unlimited funds behind that effort, as evidenced in the 10th annual report of the "little AEC"—The New York State Atomic and Space Development Authority.

As the defects of the light-water reactor become common knowledge, the industry and government agencies concerned are frantic to develop an improved reactor. They are according to the highest priority, and making commitments that will exceed 2 billion dollars of federal subsidy to rush the "fast-breeder" reactor. The first of these "improved" devices is slated for Waddington, N.Y., on the St. Lawrence, in the middle of a high-risk earthquake belt. Angry citizens of Washington County, N.Y., drove it out of Easton, 14 miles north of Troy on the Hudson, last summer when they found out how dangerous it was. With evidences of technology out of control, all around us, let us not go further down the road to peaceful nuclear power.

On an attached sheet, we have quoted a number of authorities who have recently warned against using nuclear fission for electric power generation.

We want to give special emphasis to testimony presented January 28, 1970, before the Joint Committee on Atomic Energy in a Public Hearing in Washington.

Dr. John W. Gofman, a biophysicist and physician of Lawrence Radiation Laboratories, University of California (Livermore), who with his colleague Dr. Arthur R. Tamplin in November had urged before Senator Muskie's subcommittee an immediate reduction downward 10-fold in allowed discharges of radioactive wastes, or risk a national disaster, told the JCAE last week that the situation was worse than he had originally stated, in terms of increased incidence of leukemia, cancer and other conditions induced by excessive radioactivity.

He challenged the AEC to an open public forum under the auspices of any scientific society to defend the government position that present standards protect the public. The AEC will no doubt duck the issue, one of the most vital that has ever been raised in view of the number of nuclear reactors that have been committed.

Therefore, we appeal to the members of Congress who have called this hearing and other representatives not in the thrall of the utilities and The Joint Committee on Atomic Energy, to introduce legislation at once, calling for a Moratorium on all nuclear construction and the appointment of a

special committee of the National Academy of Science/Engineering to study the grave problem we face of widespread environmental pollution and make recommendations on how essential power needs can be met without compromising the health and safety of the people, particularly those who would suffer the greatest damage in the densely populated New York metropolitan area.

Beyond this, we must stop the fast-breeder scheme and cut $1 billion out of the AEC budget for next year—as David Lilienthal, first AEC chairman, recommended years ago when he discovered the peaceful atom scarcely exists in fact.

SOME AUTHORITATIVE OPINIONS ON NUCLEAR POWER HAZARDS

David E. Lilienthal, first AEC Chairman; the New York Times, July 20, 1969: "Once a bright hope shared by all of mankind, including myself, the rash of proliferation of atomic power plants has become one of the ugliest clouds overhanging America."

LaMont C. Cole, Professor of Ecology, Cornell University, January 31, 1969: "I am convinced that this rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man."

Statement to House Committee on Public Works by the League of Women Voters, March 17, 1969: "League members want all possible effects of nuclear plant location and construction considered before construction is begun . . . We do not say that no nuclear powered plant should ever be built. But our members are saying it is important that the country move much more slowly and with greater safeguards into the age of nuclear generated electric power."

Quoting Philip Sporn, former head of American Electric Power; Forbes Magazine, November 15, 1968, p. 58: "Sporn worries about safety. 'We ought to slow down,' he says. 'We ought to begin to get some experience out of these ordered before we go ahead with more. We don't have any atomic power in operation; it's practically nothing—less than 10,000 megawatts by 1970. What we have is nothing. What we have ordered is a great deal. We need to get that going and to have some experience. In atomic matters, we ought not to rush. We're going to have some accidents with atomic plants. We don't want to have any. None of us in the business does. But we're going to. Let's get our experience and have our accidents now before we take more chances with more plants.'"

The New York Times, Sunday, December 29, 1968, p. 1 report from Dallas meeting, American Association for the Advancement of Science: "Dr. Barry Commoner, director of the Center of the Biology of Natural Systems at Washington University, St. Louis, said, for example, that the use of nuclear reactors had to be evaluated in the light of 'hidden costs' to human health from the release of Iodine-131, a radioactive substance that could settle in the thyroid gland and possibly cause cancer."

Senator George McGovern; letter to Anti-Pollution League, March 14, 1969: "I certainly agree with you that the Joint Committee on Atomic Energy has been less than zealous in exercising its obligation to review the decisions of the Atomic Energy Commission, and I intend to support efforts to bring the Joint Committee's findings out into the open. The public has a right to know how its environment is being threatened."

Robert L. Whitelaw, Virginia Polytechnic Institute, Blacksburg, Virginia; IEEE Transactions, May 1969, pp. 374–75: "There is still by common consent an unwritten agreement to treat as 'incredible' the most fearful of all nuclear accidents that can occur in any plant with a highly pressurized primary system. Such an accident is, of course, the explosive rupture of the primary vessel itself, which is ruled out of the list of credible accidents for the simple reason there is no answer short of putting the plant underground or inside of a mountain, as Ackerman has pointed out."

STATEMENT PREPARED FOR THE PUBLIC HEARING ON THE LONG ISLAND SOUND HELD BY CONGRESSMEN JOSEPH P. ADDABBO, OGDEN R. REID, AND LESTER L. WOLFF, FEBRUARY 6, 1970

My name is Claire Stern, and I am the Executive Director of the Long Island Environmental Council. I am speaking for the Board of Directors of the Council in my general remarks, and I will refer specifically to the Huntington Audubon Society and to the Long Island Sound Association in the course of my statement.

The Long Island Environmental Council is a membership organization chartered under New York State law as a non-profit, tax-exempt corporation, with individual and organizational memberships. A sampling of our member organizations: The Three Long Island Chapters of the Audubon Society, Action to Preserve the North Shore, the Nassau Outdoor & Hiking Club, the Adirondack Mountain Club, Manhasset Bay Sportsman's Club, Manhasset Bay Civic Association, the North Shore Unitarian Church, the Brookhaven Town Resources Council, the Sag Harbor Conservationists, etc.—a variety of conservation groups, civic associations, and religious institutions. We work with the Boy Scouts, Girl Scouts and the League of Women Voters, all of whom have a national charter which precludes their group membership in a council which takes legislative action. The Council has adopted as its basic principle the view that responsibility for the maintenance and control of a quality environment ultimately rests on the cooperation and knowledge of public officials, the scientific community and an informed public.

We therefore have structured the internal organization of the Council to assure an active role for the scientists and technically-trained residents of Long Island to give their advice, based on their professional competence, in each area of our environmental concern.

Some of the speakers today are among those we turn to for guidance. We also work closely with the Scientists' Institute for Public Information based in New York City and St. Louis, and with the Environmental Defense Fund.

By our charter we are primarily responsible for Nassau and Suffolk counties, but we cooperate with groups and individuals in the entire metropolitan area on specific problem areas such as Jamaica Bay, Little Neck Bay, etc.

So much for an explanation of our organization and our structure. Let me restate clearly that the Council is a coordinating federation of men, women, adult and students, who are unwilling to accept a second-best environment, and who feel a sense of crisis and urgency in restructuring our national goals and will support expenditures to accomplish those goals. For example, the Council was the only regional organization to associate with the Citizens Crusade for Clean Water, working to appropriate $1 billion for sewage treatment plants. And we will monitor the release of the $800 million to the states while we take up the $1.25 billion for the next fiscal year.

You as Congressmen are receiving more visits and telephone calls than ever before to save the Everglades, vote "no" on the Timber Supply Act, vote "yes" for water pollution abatement, etc.—and there have been some successes. The postponement of the vote on the Timber Act today indicates the effectiveness of a combined voice of informed power.

But I can tell you we are losing the battle on a daily basis through the decisions made by local zoning boards and board of trustees who have neither the knowledge, nor the time to acquire the understanding of the destruction of our precious resources.

Item: A salt marsh is being filled in for a parking lot in Great Neck Estates.

Item: A park in Bellmore is being considered for the site for a special services school.

Item: An oil purification plant is announced in Northport.

Item: A greenbelt is set aside crossing Suffolk County north/south part of the area is rezoned for development and illegal dredging was taking place this week.

Item: Nuclear power plants are planned for Long Island Sound while we are bombarded with press releases from the Atomic Energy Commission and from the power companies that we conservationists are few in number and obstructionists in attitude.

The list is endless.

I have emphasized the variety of local crises we are responding to, and now let me support certain principles directly connected with the quality of the Long Island Sound.

We of the Council, and the Huntington Audubon Society support the legislation proposal for a one-year moratorium on building any plants on the Sound in order to determine in advance, if possible, the potential cumulative effects of such projects. We all need and use power. We ask only for a short holding time which can be used for reevaluation and rethinking by the utilities, by government, scientists and the people. Decisions to construct projects or legislate controls are made by too many agencies, too many departments, too many municipalities—from the federal down to the village.

We need one commission responsible for an overview of the Long Island Sound, which will see the interrelationship of a request to dredge in Great Neck, in Larchmont, in Jamesport. Who will work to restore the quality of the shorelines for recreation and public access.

Who will view the Sound as a natural resource of unequalled proportions that must be protected.

We urge that hearings be planned on S. 2472 in the very near future to enable us to have an identifiable, politically responsible agency for the Sound.

It is for just this reason that we formed the Long Island Sound Association, a steering committee of the leadership representing Westchester County, Eastern and Western Shores of Conn. and Long Island.

The citizens are ready. We hope the Congress is.

We appreciate the opportunity to be heard today, and look forward to working along with you in our effort to bring a new set of indices to our cost benefit ratios and to work for rational planning with respect for our natural systems, and a national well-being for all our citizens.

GOVERNOR MADDOX—IN TRUTH A MAD OX

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LEGGETT. Mr. Speaker, earlier this week the Members dining room of the House of Representatives was treated to the fantastic spectacle of Lester Maddox, Governor of Georgia and advocate of law and order, passing out ax handles to all who would accept them. Shortly thereafter, 12 Members of this body, including three from my State of California—Messrs. COHELAN, REES, AND WAL-

DIE—took the floor to condemn this man and his action.

I take this opportunity to associate myself with their remarks in every respect.

Perhaps the ax handle is the symbol of justice in the State of Georgia. Perhaps it is not. I note that one member of the Georgia delegation has characterized the ax handles as "offensive," and I am glad to hear this. At the same time, I note that the rest of the Georgia delegation has not been heard from.

In any case, the ax handle is not yet the symbol of law and order in the United States. It is a symbol of hooliganism and the law of the jungle, and it is no less so in the hands of an elected public official.

FALSE ECONOMY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. GIAIMO. Mr. Speaker, the administration says it is economizing this year to combat inflation and save taxpayer dollars. One example of this so-called economy is the closing of the U.S. Marine Biological Laboratory located in Milford, Conn. The Laboratory, operated by the Department of the Interior, is engaged in molluscan aquaculture research. In layman's language, the Milford Laboratory is developing a better breed of oyster.

The 40-year-old lab moved into a new $2 million facility approximately 2 years ago. This highly specialized facility, described as "the finest shellfish laboratory in the world," operated last year on a budget of approximately $336,000.

The laboratory research program includes physiological requirements and behavior of larval and juvenile mollusks; effect of environment of growth and fattening; genetics—to produce higher quality meats and disease-resistant strains—physiological requirements of marine algae utilized as food by molluscan shellfish; and development of mechanical and chemical methods to control predators such as starfish and oyster drills. The practical result of this research has been to revive a dying industry to the point where it again harvests over a million bushels of oysters a year. Contributions in the past few years to the commercial shellfish industry alone have been worth far more than the entire investment in the laboratory over its 40-year lifespan. The potential return on the investment for the future is inestimatable.

Mr. Speaker, the decision to close the Milford Laboratory on May 30 of this year is obviously false economy. The fact is illustrated dramatically by Carroll Cavanagh in a recent article which appeared in the Bridgeport Post. For this reason, I insert that article in the RECORD at this point:

ARTICLE BY CARROLL CAVANAGH

There remains some hope that at least certain departments of the U.S. Bureau of Commercial Fisheries laboratory, only recently (late 1968) rehoused in a specially designed multi-million dollar new technical building on Milford harbor, will be permitted to continue to pursue their research goals.

But the recent edict of the Bureau, a unit of the Fish and Wildlife Service (Department of Natural Resources), of the Interior department, calls for closing the laboratory by May 1, and handing the building over to some other federal government agency showing a need for it. Emissaries of other agencies are already making inspections and considering its usefulness.

Regional officials of the Fisheries bureau said last week they regret the scheduled closing of the Milford facility but it has become necessary as a result of a $7 million cut in the bureau's $52 million budget.

MOVE IS PROTESTED

The outcry against the threatened closing has been strenuous. Virtually every sector of the aquiculture and shellfish community has opposed the closing.

J. Richards Nelson, chairman of the Connecticut State Shellfish commission, who is also president of the largest oyster growing and breeding concern north of Chesapeake Bay, Long Island Oyster Farms, Inc., terms the closing or curtailment "catastrophic."

He says that the economy move is extremely short-sighted, decrying the decision to cease basic research in a field where so much has been done to make America the leader in aquiculture.

Mr. Nelson insists that enhanced production of protein from these estuaries is of great significance to this country and the world, and that shutting off an outstanding source of knowledge about that development is not economy.

The budget for the laboratory, he points out, is a mere $336,000 a year, a tiny sum in relation to the effectiveness and value of the work of the laboratory, and a relation to other federal expenditures for far less promising ends.

Norman and Hillard Bloom, growers from Norwalk with grounds all along the Connecticut shore, are equally opposed to the decision to close, as is Jack Radel, who head the Andrew Radel Oyster company on South Norwalk and Oyster Bay.

STUDY OF OYSTER BREEDING

The building was engineered and elaborately designed around what evolved over the years as the laboratory organization's chief mission, the breeding and rearing of oysters and other edible bivalve mollusks. In that mission there came to be included fundamental studies of the foods of these highly valuable shellfish, the algae. The algae are microscopic plants of almost infinite variety that abound in most littoral sea water, and are of benefit to man in almost no other fashion than in their role as fodder for the oysters, clams and mussels he eats.

The May 1 closing date will terminate the research of oysters genetics and the farming of the algae, unless the new federal landlord will be willing to accommodate these two programs, the only ones given any kind of stay of execution, in its utilization of the premises.

Even under such sufferance it is hard to see how these two programs will flourish. The ongoing, year-round breeding and rearing of swarms of tiny shellfish larvae, the forerunners of the mature shellfish, are relied upon in the genetic studies for the indispensible new batches of crosses in pursuit of the hereditable characteristics of oysters. Without the rearing program to rely upon, the genetics team will have to breed and rear its own oyster offspring.

LAB TEAM IS UNIQUE

The genetics team consists of Dr. L. Crosbie Longworth and her assistant, Miss Sheila S. Stiles. They are at present the only team in the nation, and very probably the world, whose work is devoted solely to basic genetic shellfish research. The artificial breeding and rearing they will have to take on is in itself an art and a technology that has only recently become established. The Milford laboratory has been the fountainhead of research on that art and technology.

The rationale of the closing is the premise that the states control the waters in which most shellfish grow and should therefore undertake for themselves the work now done by the federal laboratory. In granting possible reprieve, or something like it, to the genetics program, the administrators of the Bureau of Commercial Fisheries take some cognizance of the value of the genetic knowledge that has been accreted slowly over the past two years. This knowledge is represented in the segregated strains of oysters growing in the specially constructed cultivation tanks covering a field near the laboratory, and by the records and analyses kept by Dr. Longworth.

Something of the same regard is shown for the bank of 80 different pure cultures of single species of shellfish food algae maintained under the laboratory's "diet" program. These cultures, developed and maintained under the direction of another woman authority in her field, Dr. Ravenna Ukeles, are without doubt the finest reservoir of pure marine algae strains in the world. Small "start-up" batches of these unique, bacteria-free cultures are shipped to commercial shellfish hatcheries and to university, state and national laboratories around the world.

For the present, the ultimate significance of these strains is how well they serve as food for the growing baby oysters and clams, though the study of algae for themselves as a direct source of food for man, or as fodder for land animals is growing.

DRIVE TO SAVE LAB

The oyster growers of Connecticut, New York and the Chesapeake Bay area have entered upon a campaign to save the laboratory in toto. They have been joined by shellfisheries scientists throughout the country.

The Oyster Institute of North America has urged all its members to write to Russell Train, chairman of the Presidential Council for Environmental Quality, at the Interior Department, or to Walter Hickel, Interior Secretary, or Charles H. Meacham, Commissioner of the Fish and Wildlife Service, to urge reconsideration of the decision to close.

The laboratory has three other programs which, under present decisions, will be terminated. They are: Physioecology, Rearing and Predator and Disease Control.

From the work in physioecology much pertinent information on water quality, discovered through observance of the effect of pollutants, on shellfish, their larvae and their food, has been amassed.

SUCCESS OF PREDATOR CONTROL

Predator Control, under Clyde MacKenzie, Jr., has contributed materially to the very recent resurgence of relative abundance of oysters in Connecticut and Long Island waters, Mr. MacKenzie has carried his program of studious, informed cultivation of the grounds of the oystermen, scuba diving on the average of two days a week year 'round on the beds of the grower, innovations and refining mechanical and chemical techniques to control the oyster drill and the starfish, the great predator on oysters. His work and his gospel of care are extendable to other shellfish areas.

His efforts have been accompanied by a return of oyster populations to levels which permit harvests above a million bushels annually from the Sound oysters. This comeback follows an unremitting decline lasting for 20 years.

The rearing program may be said to underlie most of the other programs carried on within the laboratory. The laboratory was commissioned in 1931. Its first substantial building was occupied in 1941.

The Bureau's decision is in line with a determination to transfer attention to stocks of finfish in the open sea. Many scientists challenge such a value judgment, arguing that finfish can only be negatively managed and, at best, the taking stabilized at something called "the maximum sustainable yield"; whereas increases of shellfish, in addition to being proprietary to the nation developing them, are virtually without ceiling and are a direct result of the effort expended and the knowledge applied in cultivating the shellfish.

The shellfish hatchery as a concept, to which the laboratory has so significantly contributed, is seen by many as the door to a new shelfish era.

Without the hatchery, genetics, through which prodigious accomplishments have been made in plant, poultry and large animal production, is impossible. The hatchery species to new niches around the world, makes possible the transfer of shellfish without the fear of introduction of diseases, new predators or other undesirable organisms. Millions of tiny larvae, or juvenile mollusks, can now be flown from one place to another and ultimately planted on new shores. Presently, for instance, the American hardclam is being cultivated around the shores of Britain and Ireland, promising a new fishery which comes a total dividend, since the clams interfere with no existing commercial species.

POLLUTION WORK SEEN HURT WITH CLOSING OF LAB

STRATFORD.—Edwin Fordham, chairman of the Stratford Shellfish commission, yesterday urged the public to write to Connecticut members of Congress in a campaign to keep the Milford laboratory of the U.S. Bureau of Commercial Fisheries in operation. The bureau announced last week the facility would be closed in May because of budget cuts.

Mr. Fordham yesterday pointed out the laboratory here has long been conducting studies to curb water pollution. In this connection, he said closing the laboratory would seem to conflict with President Nixon's emphasis on combatting air and water pollution.

TEXT OF STATEMENT

Here is Mr. Fordham's statement:

"Pollution is a word which has become very popular within the last few months. Formerly silent citizens have suddenly found their voices and are becoming involved in the pollution problem.

Most citizens in which areas are aware of the Bureau of Commercial Fisheries laboratory in Milford, but associate it primarily with the oyster industry. Few persons realize that personnel in this laboratory have been investigating and publishing facts relating to the effects of pollution on shellfish species since 1961. They have been studying the life cycles of shellfish species for more than 30 years, and by the very nature of their work have become involved with pollutants affecting the shellfish industry.

"Factual studies have been published regarding pesticides, detergents, turbidity, silting, which are forms of pollution affecting embryonic development of all shellfish. Oil pollution has created many recent problems and standard methods of testing for this pollutant involves oyster embryos as the test material.

"This method was developed from funds of the Federal Water Pollution Control Act, and yet was an offshoot of work carried out at the Milford laboratory. A scientist in the State of Washington devised a test for sulphur wastes from paper mills through use of shellfish embryos. Destruction of algae, a basic link in the food chain of fin fish as well as shellfish, has been attributed to pesticides by studies at this laboratory.

"It must be admitted that when only a few voices were heard protesting violations of laws relating to pollution, the Bureau of Commercial Fisheries at Milford had already become involved in the problem.

"Today the Milford laboratory is faced with a grave problem. President Nixon has financed investigations and control programs regarding pollution on one hand, but has reduced the budget of the Bureau of Commercial Fisheries on the other. Consequently, the laboratory facilities at Milford, are to be closed May 1, 1970.

NEW LAB COST $1.3 MILLION

"Two years ago, new laboratory facilities costing $1.3 million were constructed on the Milford site. This laboratory is the finest facility of its type in the United States.

"To close this marine laboratory and lose the personnel who have carried out so many original investigations regarding water pollution is not a sound decision from any economic standpoint. Here are facilities, capable personnel experienced in the areas which must be studied.

"This laboratory should not be closed but should be utilized to its fullest capacity for pollution study. Our political leaders should recognize this laboratory for its contributions throughout the world in the fields of shellfish culture, pesticides and detergent pollution studies, algae culture, predator control through use of chemicals and genetics related to aqui culture.

"It is hoped that fishermen, hunters, boatmen and all sportsmen will recognize that they have been affected by the growth of pollution in the last decade, yet the work of the Milford laboratory is just beginning to pay dividends in the form of applied science. It is hoped that the public will take the interest and time to write their congressman in an attempt to keep this facility open to continue its worthwhile investigations."

MISS JUDITH BETH WOODWARD: VOICE OF DEMOCRACY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud that Miss Judith Beth Woodward's oration has won West Virginia's Voice of Democracy Contest annually sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme is "Freedom's Challenge," and Miss Woodward has done an outstanding job in defining the meaning of freedom, as well as breathing new life into that meaning as she delivers her address.

A senior at Parkersburg High School, Miss Woodward lives at 907 24th St., Vienna, W. Va. She is the daughter of Mr. and Mrs. James L. Woodward, and has one sister, Becki Ann Bailey, and two brothers, James Jeffrey and Thomas Matthew. She attends Methodist church, and has been very active in a number of extracurricular clubs including Entre Nous, Honorary Book Club, Thespians, Soccer Team, and Radio and TV Club. Her hobbies are acting, writing, philosophy, tennis, reading, and sewing.

It will be an honor to receive Miss Woodward in Washington, D.C., when she attends the Veterans of Foreign Wars Annual Congressional Dinner at the Sheraton Park Hotel on March 10. I commend to the attention of my colleagues Miss Woodward's excellent address on "Freedom's Challenge":

FREEDOM'S CHALLENGE

"Freedom" . . . Is it just to let one word—one general term—stand for a concept that covers so wide a span? Every country and every man has his own idea of freedom. The challenge of that freedom—the challenge of any freedom is: "How does an individual use it?"

In America, the people are the government, so their *ideas* of freedom become America's *idea of* freedom.

"Freedom." What other country speaks the word "freedom" with such an adamant tongue? Perhaps freedom means more to Americans because it was the yearning of oppressed peoples for freedom that founded America.

It was the need for and the God-given right to freedom that brought on the Revolutionary War, the Civil War, and the World Wars. And it is that same need and God-given right that men are fighting and dying for today.

However, you don't have to die in a war for freedom to prove that you hold it more dear than even your own life. You do have to actively want it—Speak for it!—Fight for it!—Live for it!

Freedom is a truth—and truth knows no death. And as long as man believes in freedom—for man is what he believes in—then he too lives forever.

Freedom! Can't you hear it? Then listen . . . listen to the peal of the liberty bell—to the shot heard 'round the world—listen to the politician on his soap box—to the hippie in Hyde Park—to the truck driver in Chicago—to the first grader in California reciting the alphabet . . . Can't *you* hear it? . . .

Freedom! Can't you see it? Then look . . . look at the red, white, and blue waving in the wind—watch the crowd at a football game—look closely at the wrinkled skin of an old veteran or a newly born babe—look through the shelves of a public library—look at yourself . . . Can't *you* see it? . . .

Freedom! Can't you smell it in the air! Turn your head toward a campfire or freshly turned sod—or the salty sea air—or a hot dog stand—or newly cut hay . . . Can't *you* smell it? . . .

Freedom! Can't you almost taste it? Drink from a mountain stream or eat at Joe's Diner—touch your lips to a snowflake or chew on a grass blade and gaze at the clouds . . . Can't you almost taste it?

Freedom! Can't you feel it? Then reach out—touch your brothers—watch a group of refugees get their first sight of the Statue of Liberty—raise the flag—hold a baby—dry a tear—touch a smile . . . Can't *you* feel it?

That's freedom . . .

CAPT. ERASTUS "DEAF" SMITH: DEAF HERO OF THE TEXAN REVOLUTION, LAUDED IN "THE DEAF AMERICAN"

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. YARBOROUGH. Mr. President, no history of the folk heroes of the independence movement in Texas would be complete without an account of Capt. Erastus "Deaf" Smith—chief spy and commander of scouts for Gen. Sam

Houston. "Deaf" Smith's hearing was damaged in infancy. And as is so often the case, the loss of one sense only served to sharpen the other senses. It was said that "Deaf" Smith could detect the presence of people or animals before others could see or hear them.

"Deaf" Smith's moment of truth arrived early on the morning of April 21, 1836, the day of San Jacinto, when General Houston asked him to take a detachment armed with axes to destroy the only bridge over Vince's Bayou, a stream, the lower banks of which were flooded, in order to cut off the Mexicans' retreat in case of a rout; it also cut off the Texans only route of retreat in the event of a Texan loss. "Deaf" Smith completed his mission in time to participate in the Battle of San Jacinto that afternoon. The rest is now history. Texas' independence was won.

The Mexican forces were completely routed; their best means of escape had been destroyed. Their losses were catastrophic. On the following day Santa Anna himself was captured. Texas independence was secure. One wonders what the results might have been had Deaf Smith failed in his mission. Fortunately, he did not.

Mr. President, most of my Senate colleagues are aware of my deep interest in programs for the handicapped. My recent appointment to the board of directors of Gallaudet College has served to deepen my interest in the deaf. Thus I was delighted to read the article on Deaf Smith, called "Deef" Smith by the early Texans, in the December 1969 issue of the Deaf American.

While the exploits of Deaf Smith are well known in Texas, they are not so well known outside the State. And since I think we can all learn from individuals, such as Deaf Smith, who can rise above severe physical handicaps, I would recommend a full reading of the article.

Mr. President, I ask unanimous consent that the article in the December issue of the Deaf American, entitled "The Hero Who Gave His Name to Texas' Deaf Smith County," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERAL HOUSTON'S TRUSTED SCOUT: THE HERO WHO GAVE HIS NAME TO TEXAS' DEAF SMITH COUNTY

(By Robert L. Swain, Jr.)

The Lone Star State of Texas matches its huge size with as big a fierce civic pride in its galaxy of he-men, freewheeling heroes. Categorized as such is Captain Erastus "Deaf" Smith whose "severe hearing handicap" did not hamstring him from becoming one of the stars of the historic Texas Revolution that boldly threw off Mexico's yoke in 1835–36. He was also the first of a long line of distinguished Texas scouts.

As if by design, fate had Deaf Smith in the thick of the rebellion as a trusted ally and commander of scouts for General Sam Houston, commander in chief of the Texan revolutionary army and the first—and twice—president of the Republic of Texas before it was admitted into the Union as the 28th state in 1845.

No account of the revolutionary period in the history of Texas is complete without copious reference to Deaf Smith's achievements; and he is mentioned in all biographies of Sam Houston. Even Deaf Smith is the subject of a hero worshipping, though largely fictionalized, children's book, titillatingly entitled, "The Nine Lives of Deaf Smith."

Smith did not have to wait for formal historians to evaluate his contributions properly as a step toward the canonizing of him as an authentic folk hero. Almost immediately after Texas took the lone path to becoming a full-fledged republic its treasury department started the beatification by having his likeness imprinted on the five-dollar bill it issued.

While the few surviving banknotes show Smith's faded face, we have, fortunately, the Houston Public Library's oil portrait of him to see what he actually looked like. It was Sam Houston, thanks to his prophetic feel for history, who had the painting done for posterity's benefit. The portrait, with the incisive sharpness of a clear color photo, tells us Deaf Smith had a long, lean, slightly handsome face—roughened by the elements and almost ascetic in quality; a pair of diamond-sharp eyes which, although narrow from habitual squinting under the glaring Texas sun, had the gleam of friendliness tempered with steely firmness; a tapering, sensitive nose accustomed to smelling danger miles away; and a determined mouth that spoke with such sincerity that people were won over to him, and yet knew when to keep tight-lipped when military secrets were involved.

Described as squat and stocky, Deaf Smith had his hearing damaged from sickness when he was a baby. Speaking of Smith's deafness, M. K. Wisehart, in his monumental biography, "Sam Houston—American Giant," cited: "Houston was struck by the fact that Smith's loss of hearing, caused by disease in infancy, had apparently sharpened his other senses; it was said that he could detect the presence of people or animals before others could see or hear them. His eyesight was especially keen. Deaf Smith's modesty, as well as his confidence, appealed to Houston. Obviously his deafness had made him sensitive; he was reticent and answered all questions laconically in a very high squeaky voice."

His deafness had Smith stapled with the "Deaf" sobriquet by his compatriots, and especially to set him apart, as he so rightly deserved to be, from the lesser Smiths. Houston preferred to call him either by his last name or referred to him admirably as "the wonderful Mr. E." The E stood for Erastus. In a communication to the Texas provisional government's Secretary of War, Thomas J. Rusk, Houston mentioned Smith's deafness by writing of him in this manner: "Mr. E. (Deaf) Smith."

Characteristically, Deaf Smith made the best of his handicap. A hardy soul summoned the courage one day to ask him, pointblank, whether he found the physical defect a hindrance. Not the kind to make excuses for his shortcomings, Smith frankly retorted: "No, I sometimes think it is an advantage—I have learned to keep a sharp lookout—and I am never disturbed by the whistling of a ball (bullet)—I don't hear the bark till I feel the bite."

To get an idea of the location and size, too, of Deaf Smith County, roll out your largest map of the United States and you will be able to pinpoint without eyestrain the county tucked in the Texas Panhandle in the High Plains—50 miles west of Amarillo and cheek to jowl to New Mexico.

No tiny flyspeck as so many counties are in smaller states, Deaf Smith County stands out like a giant, easily so, as the seventh largest in Texas' impressive agglomeration of 254 counties. Remember, some of Texas' counties make Rhode Island and Delaware look ridiculously puny by comparison.

Far from being a grubby, arid patch, Deaf Smith County lies within a rich farming, ranching and cattle feeding area, and is recognized as a leader in these and other related industries. Principal crops are grain sorghum and wheat. Moreover, it is a competitor of Idaho and Maine in the harvesting of potatoes and has also cut into the lettuce business of California. As many as 365,000 acres are currently irrigated.

Hereford, the county seat since 1898, which counted a total of 12,568 residents as late as 1967, basks, as its name so suggests, in the reflective glory of the county's famous breed of cattle—the beefy, whitefaced Herefords. About 22,000 head valued at about $7 million are marketed yearly. Several years ago Hereford won international prominence when a Reader's Digest article acclaimed "Hereford—The Town Without a Toothache." The research-backed writeup reported that the natural fluorides in the water in the Hereford area resulted in a very low incidence of dental caries.

Deaf Smith died 39 years before the county honoring him was carved out, in a neat rectangular shape, by the Texas legislature in 1876 from an enormous chunk of sparsely settled land tagged the Bexar District. The county was organized in 1890.

Older Fort Bend County in southeastern Texas is where Deaf Smith is buried. His grave is near the Episcopal Church in Richmond on the Brazos, an old community having the air of the Deep South—just 29 miles from Houston, the state's largest city. In Richmond, in the cemetery, four blocks southeast of the highway, is the Deaf Smith Memorial Monument erected in grateful appreciation by the State of Texas. It bears at its base this eloquent salute: "So valiant and trustworthy was he that all titles sink into insignificance before the simple name of 'Deaf' Smith."

Like so many adventure-driven Yankees who braved the vast desolation of Texas in the early nineteenth century, Deaf Smith was a transplanted Easterner, having been taken at the impressionable age of eleven by his parents, Chilaib and Mary Smith, to Mississippi Territory near Natchez. He was born in Dutchess County in New York State on April 19, 1787.

Reaching his 30th year in 1817, he first entered what is now Texas, only to remain there for a short spell. In poor health, he returned in 1821 and was with Major James Kerr in the first settlement of Gonzales. When it was broken up by hostile Indians, Deaf Smith made San Antonio and vicinity his base. The next year, in 1822, he shed his bachelorhood by taking for a wife a Mexican widow, Senora Guadelupe Ruiz de Duran, in San Antonio and from this union were born four children—three of them girls.

His footloose wanderings over Texas and his outdoor work as a surveyor had the therapeutic effect of restoring his health, but, citing the chronicles, he "remained deaf." By coincidence, he worked as a surveyor for the brilliant Borden brothers who, like him, came from New York. They were of the family whose process for drying milk led to the founding of the highly successful Borden Company of Elsie the Cow image.

Spurred by a restless mind that clutched at facts with a talon-like grasp, he studied the topography of the endless Texas country until he seemed to know every inch by heart. Then, too, he was something of an anthropologist, for he took pains to learn the customs, manners and language of the Mexican settlers. This encyclopedic knowledge was to make a profound impression upon General Houston. Unlike the socially aloof typical Yankee settler, Smith went out of his way to make friends among the Latins. He was also well liked by many American pioneers.

The eruption of the Texas Revolution against Mexico in 1835 found Deaf Smith assuming a shaky hands-off stance in def-

erence to his family. Naturally he came under suspicion in the American community. However, he soon dropped his neutrality after Mexican troops blundered by refusing him entry into San Antonio to visit his family. The affront once again reminded him painfully of the indignities long meted out by haughty Mexican officialdom to the Americans in Texas.

His temper ignited, he went to General Stephen F. Austin's camp and placed himself available for military service. Virginia-born Austin—he was the American leader of colonization in Texas—indicated his pleasure in having Smith by awarding him a commission. An insight into Smith's makeup as a gusty, resourceful fighter is this revealing sizing up: "He was a taciturn, thoughtful man, with courage, and a goodly portion of what may be termed, in partisan warfare, adroitness or cunning." Similarly, his contemporaries praised him "for his coolness in the presence of danger," but regarded him "as a man of few words." A historian of the Alamo gave this popular verdict: "He (Smith) was nearly as silent as he was hard of hearing, but when he said he saw something nobody ever doubted him."

Smith quickly measured up to expectations by proving adept as a scout, the modern equivalent of which is the military intelligence agent and spy. He performed meritorious work in reporting on enemy movements and his information—often secured under great risk—proved invaluable to the Texan army.

He took part in reconnoitering parties, including those under Col. James W. Fannin, Jr., and Col. James Bowie at the Battle of Concepcion on October 28, 1835. Prior to the conflict Deaf Smith had been under orders to watch for attempts to reinforce the old mission, called Concepcion, near San Antonio, as it was known that a call for help had been sent south. The battle ended in a stunning victory for the Texans, with only one killed and none wounded, while the Mexicans suffered nearly 100 killed and wounded.

Prisoners seized at the battle said hard silver to pay all the Mexican troops in Texas was on the way from Mexico. Therefore, a force was dispatched to watch for a train of pack animals expected anytime. It was Deaf Smith, his powers of observation functioning to the hilt, who spotted an armed procession of heavily laden burros. He promptly reported his discovery to Col. Bowie, who hurriedly rounded up a force and intercepted the mules and their escorting cavalry. Bitter fighting resulted and the enemy lancers ultimately fled, leaving behind the frightened, braying burros. Instead of precious silver, the poor draft animals carried bundles of forage for the hungry mounts of the beleaguered Concepcion garrison. This skirmish, descriptively called the Grass Fight, was one of the many examples of how Deaf Smith made the most of his razor-sharp eyes.

Another feat of Deaf Smith was his guiding, on December 5, 1835, under the very noses of the enemy, the forces of Col. Francis W. Johnson stealthily into San Antonio to a rendezvous where they were to meet Col. Ben Milam. Three days later Milam was shot through the head during a fierce bombardment of the American positions in San Antonio. About the same time Deaf Smith was wounded.

After the surrender of Mexican General Martin Perfecto de Cos following the Battle of Concepcion, Deaf Smith's first thought was to hustle his family off to a safe haven some distance away in Columbia, the old capital of Texas. His house, incidentally, was still standing in 1948 at the corner of San Antonio's South Presa and Nueva Streets.

In Columbia, he ran into Gen. Houston, who was supposed to be on his way to the aid of the besieged Alamo in San Antonio. Earlier, at Gonzales between San Antonio and Columbia, Smith learned of the smashing of the Alamo by nearly 3,000 troops of Gen. Santa Anna, the president-dictator of Mexico. Houston, greatly upset over the news, deputized Deaf Smith to go out for more details. He was accompanied by his best friend and fellow-scout, 24-year-old Capt. Henry Karness, a native of Tennessee.

Smith returned bringing with him Mrs. Almeron Dickerson and her 15-month-old baby. She was the only American woman at the Alamo, a fortified mission-chapel which heroically held out for nearly two weeks—February 23 to March 6, 1835. Her husband, a colonel, was among the between 187 and 200 defenders, mostly volunteers, including Davey Crockett and Bowie, who were brutally massacred. Gen. Santa Anna, at hearing there was a Yankee lady at the Alamo, ordered her to be spared so he could use her, of course without making his intentions known, as a propaganda tool in spreading among other Texans a spine-chilling eyewitness account of the citadel's bloody disaster.

When the Texan army was revamped in early 1836 after setbacks, Gen. Houston demonstrated his deep respect for Deaf Smith's unusual combination of qualities by placing him in command of a company. He had been particularly impressed with his daring in capturing a buckskin dispatch box containing confidential information intended for Santa Anna's eyes. The papers were seized in a sharp encounter with Gen. Sema's scouts who suffered considerable losses. Smith also rendered valuable service by notifying Houston of the fleeing of the Texas provisional government ahead of a Mexican advance.

Deaf Smith's immortal step into history occurred on April 21, 1836. On that fateful day Santa Anna let his chance to attack Houston's much smaller army slip away irreversibly.

To fill gaps in his formidable army, Santa Anna had received reinforcements totaling 400, but they were so worn out from marching as not to be ready for immediate battle. The Mexican president resignedly ordered a rest period, during which the soldiers either attended to routine camp chores or dozed. Nor did the butcher of the Alamo and his aides refrain from the luxury of taking siestas in their tents. And to compound the blunder and in spite of his military sense, he mistook the deceptive inactivity for a similar lull.

Meanwhile, less than a mile away, cagy Houston had plans for quick action but kept them to himself to avoid a leak. He preferred to wait for the right moment to strike, despite the growing impatience of some of his younger officers for an immediate showdown with Santa Anna's numerically superior army.

At this juncture, it is of interest to note that Houston was not sure of how many men Santa Anna may have had, placing the estimate at upwards of 1,500. Deaf Smith's count came close to the official figure—1,360, together with the reinforcements.

With the uncanny intuition for which he was famous, Deaf Smith is said by a reputable source to have suggested to Houston the brilliant stratagem of razing the only bridge over Vince's Bayou, a stream, the lower bank of which was flooded, in order to cut off the Mexicans' retreat in case of a rout. So strategically important was the bridge that it was used by the enemy in their earlier advance. At the same time, Smith and Houston were both acutely aware that the proposed destruction of the bridge raised a threat of suicide to the small Texan army in that this would deprive it of an escape route if the tables were reversed in favor of the foe.

The military significance of the span may be readily grasped from the layout of the site of the battlefield, now the San Jacinto State Park. It lies between San Jacinto River and the Houston Ship Channel which extends down Buffalo Bayou to nearby Galveston Bay. Vince's Bayou flows into Buffalo Bayou, which is deep and wide enough for oceangoing vessels. Between San Jacinto River and a large lake, named Santa Anna Lake and fed by a tortuous stream, is a wide strip of marshland. These natural features gave few opportunities for a hurried exit into the interior, except by way of the only bridge across Vince's Bayou.

Houston, with a confidence as big as Texas, decided to take a gambler's choice and told his deaf commander of scouts to go ahead with a detachment armed with axes. Before he left on the morning of April 21, two days after his 49th birthday, Smith was admonished by the tall, doughty general: "And return like eagles, or you will be too late for the day." To his everlasting glory, Deaf Smith completed the dangerous mission entrusted to him in the nick of time to participate in the decisive Battle of San Jacinto on the afternoon of the same day. The battle clinched independence for Texas.

The ferocious engagement was the outcome of a surprise blow Houston and 783 Texans sprang on the more than 1,000 resting Mexican soldiers during the siesta hour. Santa Anna, his staff and his men were practically caught napping. So great was the disarray within the enemy ranks that the clash ended in 30 minutes—some claim in even less time, with staggering losses to the enemy. Scared for his life, Sana Anna, clad in red worsted slippers and a blue dressing gown, mounted a fast horse and sprinted off in the direction of Vince's Bridge. Imagine his uncontrollable fury at finding the span smashed into splinters!

During the battle Deaf Smith galloped to Houston's side and triumphantly told him of his successful errand. Elated, Houston sped on horseback in front of Col. Burleson's regiment with the news that the bridge was knocked out. Leaving Houston, Deaf Smith rode back and forth across the field behind the advancing line of resolute Texans, waving his axe as a signal that the bridge was destroyed. In his "squeaky falsetto," he shouted encouragement to the fighters: "Vince's Bridge is down. They can't get away, men! Victory or death!"

The fleeing Mexicans, their best means of escape gone with the destruction of the bridge, were hotly pursued to the air-rending, vindictive cries of "Remember the Alamo! Remember Goliad!" (Goliad was the name of the town where some 330 Texas soldiers defending a fort were ruthlessly slaughtered by the Mexicans in March, 1836.) Smith's demolition of Vince's Bayou Bridge is regarded "as a main factor in the victory of Houston's forces over those of Santa Anna at San Jacinto."

The enemy's losses were catastrophic. According to Houston's report, among the 630 killed were one general, four colonels, two lieutenant colonels, five captains and 12 lieutenants. In addition, 208 were wounded and 730 (including the wounded) were taken prisoners. In lopsided contrast, only two Texans fell, six mortally wounded and 32 less seriously.

Soon after the battle, 240 Mexicans collected under the command of Col. Almonte, Santa Anna's most trusted aide, were seen advancing beyond the bayou as if intending to renew the contest. Racing around the bayou with his men, Houston ordered the colonel to halt and then directed Deaf Smith to approach the colonel with the assurance that if he surrendered he and his soldiers would be treated as prisoners of war. Deaf Smith, followed by the Texas secretary of war, Rusk, succeeded in getting Col. Almonte's compliance.

Santa Anna, his customary aplomb squashed like a run-over pumpkin, was cap-

tured the next day, April 22, near Vince's Bayou. Glowering, he was brought before Houston—himself a battle casualty, being shot in the left leg. Fatigued from loss of blood and his wounded leg wrapped with rags, Houston was lying on a multi-colored Mexican blanket beneath a stout oak tree, its voluminous network of leafy branches offering cooling shade. In this setting Houston dictated the terms whereby the Mexican armies were withdrawn from Texas. With this stroke Texas became free and was to enjoy status as an independent nation for nearly ten years under the famous Lone Star flag before joining company with the rest of the United States.

Wearing a buckskin shirt, Deaf Smith had a front-row seat at the momentous proceedings. A photograph-like painting of Santa Anna's surrender, in the possession of Deaf Smith County Historical Museum, shows Smith prominently in the foreground, under the massive oak tree and within arm's reach of Houston. Symbolic of his deafness, he is depicted cupping his right ear as if straining, at least, to catch some of the history-making exchange between Houston and the defeated Mexican generalissimo. Or the artist may have taken poetic license in painting in such a gesture to dramatize Smith's handicap.

After the surrender, an attempt had to be made to notify Santa Anna's other commanders elsewhere in Texas of the cessation of hostilities. Houston delegated to Deaf Smith the responsibility of contacting Gen. Filisola, one of Santa Anna's four top generals. Riding hard, Deaf Smith and his party overtook the general and his men mired in mud, 70 miles from San Antonio. Smith handed him the message written out by Col. Almonte at Houston's request. Gen. Filisola agreed to obey and scribbled his reply, requesting that Houston should relay it to Santa Anna. Deaf Smith took the communication to Houston who, after reading it, gave it to Santa Anna as directed. Seriously, he told the Mexican president if Gen. Filisola had chosen to refuse orders to lay down arms "he would have been cut to pieces by Smith" and others. Deaf Smith's men also brought to the Texan army's headquarters the Mexican General Cos, several officers and Santa Anna's secretary.

Three days after the Battle of San Jacinto, Houston, much improved, found time to make a full report about the surrender to the Texan provision government. He singled out Deaf Smith, among the other members of his staff and certain officers, for special praise.

The subsequent retreat of the beaten Mexican battalions across southern Texas to Laredo on the Rio Grande had the effect of throwing that border town into a sort of "no man's land." This caused a bitter disagreement over the new Republic's southern boundary which did not extend to the Rio Grande, now the international demarcation line between Mexico and Texas. Determined to do his part in rectifying the matter, Deaf Smith, in 1837, headed a band of men "with the intention of raising the flag of independence on the spire of the church at Laredo." Five miles northeast of his objective, he was challenged by a larger contingent of Mexican cavalry. After spirited fighting lasting 45 minutes, the Mexicans withdrew thus giving Smith, technically speaking, a decided victory.

After analyzing the situation, he voted against proceeding further on the assumption that he would be outnumbered in the attempt to wrest control of Laredo for the Republic. This display of patriotic bravura is one of the many deeds that have gilded Deaf Smith into so legendary a figure of Texas history.

The next we know of Deaf Smith is that he served a short time as a captain of rangers, after which he retired and made his home in Richmond, where he died, at the comparatively early age of 50, on November 30, 1837.

Even though Texas proudly claims Deaf Smith as one of its luminaries, the deaf of America can claim him with equal vigor as a notable addition to the Hall of Fame of outstanding personalities who took their deafness or severe hearing impairments in stride as they went on to achieve shiny success or had fame justifiably thrust upon them.

ACTION GUIDE ON AIR POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MIKVA. Mr. Speaker, all too often when a legislative issue becomes a popular conversation piece, the conversation soon begins to overwhelm the legislation. People talk, experts discuss, task forces write reports, agencies write counter-reports, the media digest them; and somehow it seems that nothing is ever done.

Then the public begins to ask—What can we do? What must we know? All too often my colleagues and I cannot give the people the answers and encouragement they seek.

The problem of air pollution is exactly the type of issue I am speaking of—where rhetoric and generalized good words already have begun to inundate the concerned public's sources of information and have made them question whether anyone is doing anything but talking.

At least one source of the public's information is doing something, and doing it well and conscientiously, and I wish to bring this to the attention of my colleagues. The special projects team of WBBM–TV News, Chicago, has recently issued a very concise and instructive "Action Guide on Air Pollution" for viewers of its documentary program "No Place To Hide."

This pamphlet is not just another emotional rehashing of the Nation's and Chicago's pollution problems. It concretely spells out the identity, characteristics, and sources of major air pollutants. It describes dramatically yet empirically the effects of air pollution on persons, plants and things, and discusses several ominous theories about the future effects of pollution on our environment.

The action guide then identifies and categorizes the laws, agencies, and people responsible for air pollution control in the Chicago area and singles out and describes the proposals of aldermen, State assemblymen, and Congressmen involved in pending legislation.

It lists the addresses of 22 central and neighborhood citizens' interest organizations, and perhaps most importantly, discusses specifically "How To Report Violations of the Air Pollution Control Ordinance," and includes a simple preprinted form for that purpose.

The special projects staff of WBBM–TV news is to be commended on this vital project. The work which has gone into the preparation of this "Action Guide on Air Pollution" gives the lie to currently fashionable comments about the irresponsibility of the television news medium. As a source of information and as a public service, the value of this publication should not be overlooked.

The material referred to follows:

ACTION GUIDE ON AIR POLLUTION

(Compiled by WBBM–TV News Special Projects, T. M. Alderman, executive director; Judy Wise, research director; R. Stephen Berry, professor, Chemistry Department, University of Chicago, consultant, "No Place To Hide")

"NO PLACE TO HIDE

"(By Will Mercier)

"Well some of you folks might ask
Of why I sing the blues.
Well buddy, if you're still breathing
It shouldn't be any news.
There's active Strontium 90 in our kids' bones and DDT in their fat.
It's radioactive iodine in their thyroids
That keeps them going like that.
Why they've even got asbestos in their lungs.
They get all this from the air
And momma's still worried about the common cold,
'Bout the air she don't seem to care.
Oh, we can't put any signs up in the air.
Pollution sometimes can't be seen.
But from dust thou came . . . to dust thou shall return.
You shall breathe the stuff in between . . .
Brother, you'll breathe the stuff in between."

DEFINITION OF A POLLUTANT

Generally, a pollutant is something noxious put into the air by man-made processes. Five major pollutants are commonly measured in our atmosphere.

Sulfur Oxides: Sulfur dioxide is the most common gaseous pollutant that arises mainly from heating and power generation. It is the choking, irritating gas associated with burning sulfur. It is moderately corrosive, attacking the lungs and air passages.

Evidence is growing that exposure for 24 hours to .11 parts per million (ppm) of sulfur dioxide with particulate present, represents a recognizable health hazard. Sulfur dioxide combined in the atmosphere with particles becomes the far more dangerous sulfuric acid.

Carbon Monoxide: Carbon monoxide is a colorless, odorless, poisonous gas which comes almost entirely from motor vehicles. It is the most common toxic gaseous pollutant in the urban atmosphere.

Hydrocarbons: These compounds are found mostly in petroleum, natural gas, and coal. The major source of hydrocarbons in the atmosphere is again motor vehicles. The most potent hydrocarbon is benzo-a-pyrene. This is a substance used in labs by scientists to cause cancer. It is one of the most dangerous cancer-producing substances in cigarettes.

Nitrogen Oxides: Two nitrogen oxides, nitric oxide and nitrogen dioxide, are serious air pollutants. Nitric oxide is a colorless, toxic gas formed in automobile cylinders, electric power plants, and other very large energy-conversion processes.

Nitrogen dioxide is considerably more poisonous than nitric oxide. It is the only important and wide-spread pollutant gas that is colored—yellow brown. Its effect is still unknown. While some nitrogen oxides are formed in Chicago's air, they are a more serious problem on the West Coast where the nitrogen oxides and sunlight convert air and hydrocarbons into Los Angeles' well known, irritating photochemical smog.

Particulate: Particulate matter is, for the most part, fine smoke or dust which comes from many substances and hangs in the air. Some of the most dangerous kinds are asbestos, lead and other metals. Particulates may be emitted into the air from liquid or solid substances. In addition to having their own detrimental effects such as carrying harmful substances to the lungs, reducing

visibility, soiling property, and causing dust deposits, particulates act as catalysts for the formation of other more harmful substances such as the change of sulfur dioxide to sulfuric acid.

SOURCES OF POLLUTION

Major sources of pollution in the nation are transportation (autos, planes, etc.); power plants (the utilities); industry (major industrial polluters include pulp and paper mills, iron and steel mills, petroleum refineries, smelters, and chemical manufacturers); space heating (homes and apartments); and refuse disposal. Some random figures will give an idea of the significance of each of these sources.

NATIONAL SOURCES OF MAJOR AIR POLLUTANTS[1]

[Millions of tons per year]

Source	Carbon monoxide	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Particulate	Miscellaneous	Total
Transportation	66	1	12	6	1	(2)	86
Industry	2	9	4	2	6	2	25
Power plants	1	12	(2)	3	3	(2)	20
Space heating	2	3	1	1	1	(2)	8
Refuse disposal	1	(2)	1	(2)	1	(2)	4
Total	72	25	18	12	12	4	143

[1] Air Pollution Primer, National Tuberculosis and Respiratory Disease Association, 1969, p. 34.
[2] Less than 1,000,000.

In Chicago, the following are figures for the amount of dust dumped on the city between 1965–1968:

1965—38 tons per square mile per month
1966—40 tons per square mile per month
1967—42 tons per square mile per month
1968—43 tons per square mile per month

When discussing the health effects of pollution, sulfur dioxide is usually cited as the most detrimental pollutant. The following are sources of sulfur dioxide in Chicago with the percentage each contributes to the air:[1]

Utilities [major: Commonwealth Edison Plants], 65.6%.

Industry, 11.5%.

Commercial Enterprises, 8.3%.

Residences [home and apartment dwellers], 14.6%.

Automobiles are the major source of pollutants other than the sulfur dioxide. It is estimated that in Chicago automobiles are responsible for 8500 tons of particulate per year. Even more serious, autos are responsible for 903,000 tons of carbon monoxide per year. Automobiles produce 90 percent of all carbon monoxide in the air.

Much has been in the news about pollution from airplanes. While this is a serious problem, it is not considered by most experts as serious as some other sources because the emissions from airplanes are so much less than those from automobiles. Material dumped in the air from airplanes, however, is increasing and is certainly a contributor to today's ever-dirtier air. In New York City, turbo jet engines dump 1139 tons of carbon monoxide and 409 tons of particulate on the city every year.

EFFECTS OF POLLUTION

Pollution kills. Pollution causes illness. Pollution impairs judgment and response. Pollution damages property, art treasures, clothing, and crops. Pollution even causes major changes in the earth's ecology—changes of incalculable significance.

Increased deaths are associated with periods of especially high pollution. Those who suffer most are the very young, the elderly, and individuals with chronic pulmonary or cardiac disorders. The general population, however, also suffers. Over five thousand deaths were attributed to air pollution in London as a result of three air pollution incidents between 1952 and 1962.

In Chicago, following the episode of extreme pollution during the inversion in November, 1969, three times more deaths from tracheal bronchitis were reported than had been projected. City Health Commissioner Dr. Murray Brown stated, "The death rate of tracheal bronchitis in children has been running about 50 percent higher than it was expected."

A recent study of several types of cancer found significant correlations of mortality with chronic exposure to sulfur dioxide and nitrogen dioxide. A Chicago scientist estimates that a five-fold reduction in Chicago's average annual sulfur dioxide concentration would reduce the number of deaths from cancer by about 800 per year.

Lung disease is the fastest growing disease in the country, according to Dr. Bertram Carnow, University of Illinois Medical School. It is the second highest cause for people under 65 years of age being forced to retire and live on social security. Dr. Carnow's studies show that people with heart or lung disorders are sicker when pollution levels go up. In a recent study, people over the age of 55 who had chronic bronchitis suffered twice as many days of illness when the pollution level was .04 as when it was .02.

The effect of carbon monoxide is to cut off the oxygen supply in the blood, thereby impairing the brain and nerves. In large doses, this kills. [It is carbon monoxide which kills the person caught in a closed garage with the car running.] In lesser doses, it causes nausea, dizziness, headaches and impairs judgment.

The carbon monoxide level on the Eisenhower Expressway and other expressways leading to and from the Loop during rush hours is frequently above the danger level for impairing judgment. It is estimated that an increasing number of drivers' reactions become slower and that their ability to respond to crisis is lowered during these times.

Corrosion of all sorts of materials is caused by pollution. Sculpture that has been standing for hundreds of years in Rome and Florence is being destroyed by modern day pollution. Limestone at Oxford University must be replaced. In Chicago, corrosion at the worst sites in the city occurs 50 percent faster than at the least polluted parts of the city.

The effects of pollution on homes, cars, clothing, furniture—on everything with which we come into contact—is self-evident. Estimates of the cost of pollution are varied, but a cost of $500 per year per family is fairly safe.

The danger done to plant life by pollution is not as obvious to Chicagoans, but its effects across the nation create an economic disaster. The total loss in California alone is estimated at $132 million. Many kinds of plants are killed by pollution, while other crops are now smaller than they used to be.

There are many theories about other more subtle effects of pollution; and pollution is only one factor in our environment contributing to major and ominous changes in the earth's ecology.

According to one source, a side effect of pollution could be more frequent earthquakes and volcanic eruptions in the next 50 years. Moreover, if coal and oil continue to be burned at today's rising rates, the world's average temperature will increase by nine degrees in the next 50 years. This would cause snow fields and icecaps to melt so much that inevitably coastal cities would be flooded.

Other experts say that between 1980 and 1985 the earth's sunlight will be cut by 50 percent if the current air pollution situation is allowed to continue. Another ice age could eventually ensue.

These are theories, very credible, but yet to be proved. However, one thing is sure. According to Dr. Carnow, this generation is the first in history to have radioactive strontium 90 in their bones, DDT in their fat, asbestos in their lungs, and radioactive iodine in their thyroids.

AIR POLLUTION CONTROL STANDARDS

There are three sets of air pollution control standards—federal, state and local.

City: Chicago's present city ordinance deals almost entirely with visible emissions. In other words, black smoke coming out of a chimney is supposed to be illegal. However, beginning July, 1970, a new kind of standard will apply in Chicago which will limit the sulfur content of coal.

The new city standards will attempt to limit sulfur content in three steps. Effective July, 1970, the maximum sulfur content in coal is to be 2½ percent. After two years the sulfur content must be reduced to 2 percent; and 18 months after that, the sulfur content must be reduced to 1½ percent. The coal users are given the option of using low sulfur coal or sulfur removal equipment. Either is feasible, since figures from the Bureau of Mines make it clear that there is no shortage of low sulfur coal in this country. In fact, half the coal in the country is low sulfur.

Many criticisms have been leveled at Chicago's air pollution control program, including that the program is too slow. New York set a limit of sulfur dioxide content in fuel oil and coal at one per cent and brought everyone into compliance, within one year. Chicago, on the other hand, adopted a program which gave polluters three and one-half years to comply with a final standard which was higher than in New York—and then delayed the original effective date of the new ordinance for one year.

Blame for this has been placed in many areas. A look at the way Chicago's system has been set up may illuminate some of the problems.

Chicago's Department of Air Pollution Control, which was recently incorporated into the city's new Department of Environmental Control, is headed by H. Wallace Poston. It has the power to make inspections and bring action against violators of the air pollution ordinances. However, if the Air Pollution Control Department brings administrative rather than court action against a polluter, the polluter may appeal the action to the Appeals Board.

The Appeals Board, which has the final say about disposition of a case, consists of seven members appointed by the Mayor. Many citizens have complained that the Appeals Board is comprised of personal friends of the Mayor and representatives of the major industrial polluters. The legitimacy of this complaint is for others to decide. However, experts maintain that there has been a lack of enforcement of the existing code as well as a lack of preparation necessary to enforce the new standards that go into effect in July.

In addition to their authority to hear appeals on action attempted by the Department, the Appeals Board negotiates abate-

[1] "Chicago Air Pollution Systems Model," First Quarterly Progress Report, Argonne Laboratory, February, 1968, p. 41. Figure 4.1.

ment programs with the major polluters. To date, the programs that the Appeals Board has negotiated have given industry time to curb their pollution. During the period given by the Appeals Board for an industry to act, the Department of Air Pollution Control is powerless.

An example of the above is the case of U.S. Steel. In 1963, the Department filed a claim against U.S. Steel. They appealed. The Appeals Board negotiated a program with the company which allowed them seven years to curb their pollution. During this time the Department has been powerless to impose fines or any other restrictive action. During the seven years it is alleged that U.S. Steel continued to pollute that their pollution was worse in 1968 than it had been in 1963, and that only now, as they draw toward the end of their allotted time, are they installing anti-pollution equipment.

State: The State of Illinois in the last session of the General Assembly passed legislation giving the Attorney General broad powers to bring suit against any polluter causing a "nuisance."

Federal: Federal air pollution control standards have been negotiated on regional bases. Each state must set its own air quality standards which must be consistent with other states in their same region and must be approved by the Department of Health, Education, and Welfare.

Illinois' standards were adopted September, 1969, by the State Air Pollution Board in Springfield, whose technical secretary is Clarence Klassen. The standards demand a certain air quality, limiting the amount of sulfur oxide and particulate that will be tolerated in the air.

The state is already beginning to install monitoring equipment in Chicago and elsewhere. The monitoring equipment will monitor four pollutants in the air—nitrogen oxides and carbon monoxide in addition to sulfur dioxide and particulate which are measured presently by Chicago's monitoring stations.

The Illinois standards must be reached by January, 1972. Within the next couple of months there will be hearings on the implementation plans to reach the state standards. Implementation plans must be complete by May, 1970. Interested citizens should watch the news and be ready to appear when these hearings are called. The new state standards are extremely important as they supersede any lesser standards set by the city.

Legislative action—local, state, and federal—is an important aid to citizens seriously concerned about the environment. However it is important that the public not assume the problem will be solved just because there may be effective legislation on the books. Experts say the public must continue to insist on stringent enforcement of the laws. The public must be constantly vigilant, accepting no excuse for inaction.

The responsibility for pollution cannot be placed on one segment of our society, and likewise, the responsibility for improvement cannot be placed on one segment. Part of the responsibility for improvement belongs to the negligent polluter, and part to the public for tolerating the pollution—its damages and devastation. Both must be willing to share the cost or accept the consequences.

ANTIPOLLUTION ORGANIZATIONS

The following is a list of some of the organizations which are actively involved in fighting pollution. Any of them will welcome your participation. We suggest that you write or call the organizations which interest you and volunteer your participation. The first four organizations are the larger groups with full-time staff and offices. The others are smaller, community or neighborhood groups which are trying to mobilize citizens in their areas:

Central organizations

Campaign Against Environmental Violence, P.O. Box 4100, Chicago, Illinois 60654; Mr. Joseph Karaganis, 641-5570.

Clean Air Coordinating Committee, 1440 W. Washington Street, Chicago, Illinois 60607; Mr. John Kirkwood, 243-2000.

Open Lands Project, 53 West Jackson, Chicago, Illinois 60604; Mr. Gunnar Peterson, 427-4256.

Industrial Areas Foundation, 520 N. Michigan, Chicago, Illinois 60611; Mr. Richard Harmon, 329-0430.

Neighborhood organizations

Southwest Air Pollution Committee, 6401 S. Narragansett Avenue, Chicago, Illinois 60638.

Peoples Group of Garfield Ridge, 5117 S. Merrimac, Chicago, Illinois 60638.

Hyde Park Clean Air Committee, 5532 South Shore Drive, Chicago, Illinois 60637.

Hyde Park-Kenwood Community Conference 1525 E. 53rd St. Chicago, Illinois 60615.

Illinois Citizens Clean Air League, 725 South 26th Street, Springfield, Illinois 62708.

Ivanhoe Junior Women's Club, 14438 LaSalle, Riverdale, Illinois 60627.

Illinois/Wisconsin Friends, Committee on Legislation, 4100 Warren Avenue, Hillside, Illinois.

Citizens Revolt Against Pollution, 6019 S. Ingleside, Chicago, Illinois 60637.

Revolt Against A Polluted Environment, 5825 Woodlawn Avenue, Chicago, Illinois 60637.

Save the Dunes Council, 1512 Park Drive, Munster, Indiana.

Illinois Federated Sportsman Clubs, P.O. Box 241, Blue Island, Illinois 60406.

Lincoln Park Conservation Association, 741 W. Fullerton, Chicago, Illinois 60614.

Memorial Park Improvement Association, 9852 S. Marquette Avenue, Chicago, Illinois 60617.

Izaak Walton League, 520 Park Drive, Glenwood, Illinois 60425.

Human Ecology Study Group, 681 Minerva, Wauconda, Illinois 60084.

Citizens of Greater Chicago, 18 S. Michigan Avenue, Chicago, Illinois 60603.

Concerned Citizens for Clean Air and Water, 1710 Fletcher, Chicago, Illinois 60657.

Rainbow Neighbors, 7535 S. Yates, Chicago, Illinois 60649.

CITY LEGISLATION

To demand action against polluters or action on legislation in the City Council, Chicagoans should contact the Mayor, as the presiding chairman of the City Council, or any Alderman by writing him in care of City Hall, Chicago, Illinois. The following Aldermen have resolutions or ordinances on pollution pending before committees of the City Council:

Before the Health Committee

Date introduced, Alderman, action requested:

July 11, 1968, Despres and others, Ordinance for amendment of existing Air Pollution Code.

July 8, 1969, Despres and others, Repeal of Ordinance for extension of time on Air Pollution Code.

July 11, 1969, Sperling and others, Amendment of Code for Air Pollution Control.

November 17, 1969, Singer and others, Amendment of regulations governing Air Pollution Control.

November 17, 1969, Sperling and others, Amendment to reduce use of electric power during pollution alerts.

Before the Rules Committee

July 8, 1969, Singer and others, Creation of Air Pollution Committee and an immediate investigation of why an extension of Air Pollution Standards was granted.

Before the Finance Committee

October 29, 1969, Wigoda and Keane, Amendment to raise the minimum fines allowable under the Air Pollution Control Ordinance.

STATE LEGISLATION

There is no legislation currently pending in the Illinois General Assembly. However, the following state legislators sponsored legislation in the last session:

Senator Jack T. Kneupfer, 901 Washington, Elmhurst, Illinois.

Representative James Carter, 601 E. 32nd St., Chicago, Illinois.

Representative John H. Kleine, 155 Wooded Lane, Lake Forest, Illinois.

Representative Oral Jacobs, 303 19th Street, Moline, Illinois.

Representative Alan K. Johnston, 206 Cumberland Avenue, Kenilworth, Illinois.

FEDERAL LEGISLATION

As of November 1, 1969, the following Congressmen and Senators had introduced legislation in the 91st Congress which dealt with all sides of the issue of Environmental Quality. Their Washington, D.C. office addresses and phone numbers are listed in case you are interested in contacting them for information about their legislation:

Congressmen

Thomas Ashley (D, Ohio), 2427 Rayburn Building, 225–4146.

Charles Bennett (D, Fla.), 2113 Rayburn Building, 225–2501.

George Brown (D, Calif.), 313 Cannon Building, 225–5464.

Emilio Daddario (D, Conn.), 2330 Rayburn Building, 225–2265.

Charles Diggs (D, Mich.), 2464 Rayburn Building, 225–2261.

John Dingell (D, Mich.), 2210 Rayburn Building, 225–4071.

Thomas Foley (D, Wash.), 325 Cannon Building, 225–2006.

James Howard (D, N.J.), 131 Cannon Building, 225–4671.

Joseph Karth (D, Minn.), 2432 Rayburn Building, 225–6631.

Torbert Macdonald (D, Mass.), 2448 Rayburn Building, 225–2836.

Spark Matsunaga (D, Hawaii), 442 Cannon Building, 225–2726.

Abner Mikva (D, Ill.), 1532 Longworth Building, 225–4835.

John Monagan (D, Conn.), 2331 Rayburn Building, 225–3822.

John Moss (D, Calif.), 2185 Rayburn Building, 225–7163.

Richard Ottinger (D, N.Y.), 129 Cannon Building, 225–5536.

Ogden Reid (R, N.Y.), 240 Cannon Building, 225–6506.

Henry Reuss (D, Wis.), 2159 Rayburn Building, 225–3571.

John Saylor (R, Pa.), 2354 Rayburn Building, 225–2065.

John Tunney (D, Calif.), 429 Cannon Building, 225–2305.

Senators

Clifford Case (R, N.J.), 463 Old Senate Office Building, 225–3224.

Norris Cotton (R, N.H.), 4121 New Senate Office Building, 225–3324.

Michael Gravel (D. Alaska), 248 Old Senate Office Building, 225–6665.

Philip Hart (D, Mich.), 253 Old Senate Office Building, 225–4822.

Henry M. Jackson (D, Wash.), 137 Old Senate Office Building, 225–3441.

Edward Kennedy (D, Mass.), 431 Old Senate Office Building, 225–4543.

George McGovern (D, S.D.), 362 Old Senate Office Building, 225–2321.

Warren Magnuson (D, Wash.), 127 Old Senate Office Building 225–2621.

Frank Moss (D, Utah), 204 Old Senate Office Building, 225–5251.

Edmund Muskie (D, Maine), 221 Old Senate Office Building, 225–5344.

Gaylord Nelson (D, Wis.), 404 Old Senate Office Building, 225–5323.

Joseph Tydings (D, Md.), 6237 New Senate Office Building, 225–4524.

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HOW TO REPORT VIOLATIONS OF AIR POLLUTION CONTROL ORDINANCE—DEPARTMENT OF AIR POLLUTION CONTROL

Smoke

Emission Limitations:

Very light smoke——may be emitted at all times.

Light smoke——at most four minutes out of each half hour.

Medium heavy smoke—at most four minutes every two hours.

Very dark smoke——is always in violation.

Reporting: Call the Mayor's Office of Inquiry and Information (744-3370), which will refer your complaint to the Department of Air Pollution Control, or call directly to the Department of Air Pollution Control (744-4077). Be sure to have the correct address of the violating building. In the case of chronic violators, give all the information you have: past and present observations, duration of violations and time of day in which they are most likely to occur. This will help the inspector choose the best time for his checkup.

Odors from garbage burning

Call the Mayor's office or the Department of Air Pollution Control. Specify time and duration of smell.

Ash removal and coal deliveries that cause dust in the air

Call the Mayor's office or the Department of Air Pollution Control. Indicate name of scavenger or coal company. Call police or ward office about coal deliveries that block streets or alleys.

Dust from unpaved lots and other causes

Call the Mayor's office.

Burning of leaves

After July 5, 1970, garbage burning in boilers and leaf burning will be prohibited.

Meanwhile, three rules must be observed:

1) an adult must be present the entire time;

2) leaves must be burned in small piles;

3) no leaves should be added to a burning pile;

4) emission limitations for smoke listed above must be observed. For improper burning, call Fire Department, Police, Ward office or Mayor's office.

Excessive dust from wrecking

Call the office of the wrecking company and the Mayor's office.

Excessive exhaust fumes from buses and trucks

In the case of city buses, call the Public Information Division of Chicago Transit Authority (MO 4–7200); give license number. Report other buses and trucks by telephone or in writing to the Department of Air Pollution Control, giving license numbers.

Telephones

Mayor's Office of Inquiry & Information: 744–3370.

Dept. of Air Pollution Control, Community Relations Director: 744–4070.

Dept. of Air Pollution Control, Complaint Section: 744–4077.

Police: PO 5–1313.

Fire Dept.: FI 7–1313.

NUISANCE COMPLAINT FORM

DEPARTMENT OF AIR POLLUTION CONTROL, Room 500, 320 North Clark Street, Chicago, Illinois 60610.

Date.

1. Source Complained of:
Name.
Address.

2. Complainant:
Name.
Address.
Phone No.
How long there.

3. Distance from Source: Direction from Source.

4. List three specific nuisance occurrences:
(a) Date, Hour, Wind from the—
(b) Date, Hour, Wind from the—.
(c) Date, Hour, Wind from the—.

5. Describe specifically the nuisance itself.

6. Distress or ill effects:
a. Difficulty breathing.
b. Eye Watering.
c. Other.

7. Names of other persons affected:
(a).
(b).
(c).

8. If complainant's address is his home, is home in area zoned for residence?

9. Did complainant notice effects to neighbors? Did neighbors tell of being bothered?

10. Has complainant any definite evidence thru an attempt to sell that value of his property decreased because of the nuisance? How much?

11. Has complainant definite evidence of increase in cost of cleaning or laundry? How much?

12. What other damage to property?

13. How do you connect nuisance to source?

14. Will complainant appear in Court?

15. Signature of Complainant.

Remarks:

CONCERN FOR ENVIRONMENT

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BUTTON. Mr. Speaker, it has become politically fashionable to talk about pollution; the environmental issue is viewed as good campaign property. But regardless of the danger that opportunists may cash in on the fight against pollution, it is a matter of grave concern and one which deserves our utmost attention. The seriousness of the issue is perhaps best evidenced by growing discussion of the problem among citizens in all walks of life. In my own district, I was encouraged that the Albany Times-Union has published a four-section supplement on environment which explores existing programs and plans for improving the quality of life.

A report from the New York State Health Department, included in the supplement, quite clearly summarizes progress so far. I am encouraged that New York has done more than any other State to solve the problems of pollution in terms of money and program already committed. What is evident, however, is that so much more needs to be accomplished, both in New York and in every other State in the Union. Perhaps the key to the environmental issue is the general apathy that Times-Union writer John Maguire discusses in a lead article. Particularly disturbing is the report from a recent meeting of the American Association for the Advancement of Science in Boston where a highly respected group of biologists and ecologists predicted that the end of life on earth could be within the average lifespan of children now alive. Such is the enormousness of this problem that it could very well be we have doomed this planet to destruction. A sense of urgency is not enough, however. We must have commitment from Congress, from the States and, most importantly, from the people.

In the final analysis, it will be the commitment of the people that will spell the difference in the battle for our environment. The scope of the problem is admirably summed up by Mr. Maguire, I think:

> Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken, the apathy that has brought us to our present perilous state must vanish.

I share with Mr. Maguire his closing commentary: "Let's hope it does, in time."

Because of the wealth of information and comment presented in these two articles I recommend them to the attention of my colleagues. They follow:

[From the Albany (N.Y.) Times-Union, Feb. 15, 1970]

APATHY IN HEALTH COULD CAUSE MAN'S EXTINCTION

(By John Maguire)

In the past 20 years, we have seen a steady parade of truly impressive medical advances, from the polio vaccine of the early 1950s to open heart surgery and organ transplants, not to overlook a general upgrading of the quality of medical diagnostic and therapeutic skills.

But there are some puzzling and disturbing facts about the state of our health that must be faced. In these past two decades, despite the undeniable progress that has been made, our death rate has NOT gone down—and our life expectancy has NOT gone up.

How can such a state of affairs exist?

Well, there are many answers, some of them readily apparent and some not yet clearly understood. Of those that are known, however, a surprising number can be included under the general category of apathy—and by far the most significant and most deleterious form of apathy is that displayed by the man in the street.

Certainly the medical profession has shown apathy in some areas, not at all in its search for new professional techniques and procedures and knowledge, but in a failure to exert more effort, as a group, to find ways to deliver more and better medical services to the people of the urban ghettos and the rural slums.

In many ways, government, too—especially the federal government—has been apathetic, or short-sighted, in its off-again, on-again activities in the admittedly complex field of public health. The federal government has taken action against cyclamates, while doing virtually nothing against cigarettes. Congress has authorized expenditures for water pollution control programs in cooperation with the states, and then has failed to appropriate the funds they themselves authorized.

The really important drawback to improved health and longer life, however, is the inexplicable apathy, the bored indifference of the people themselves.

Every year in New York State, for one example that should be frightening but somehow doesn't frighten enough of us, at least 16,000 people die of diseases induced by cigarette smoking, according to Dr. Hollis S. Ingraham, state health commissioner.

Cigarettes are slow poison. If present death rate continue, one million children now in school will die of lung cancer. One of them may be your child. Two, perhaps, or three. Maybe you choose to disregard the danger to yourself—although apathy about one's life span seems all but incredible—but no man can excuse his failure to do whatever he can to educate his children to the dangers of starting to smoke.

Everyone knows that drinking and driving don't mix. Or shouldn't be mixed. Yet with truly monumental indifference to life and death, many thousands of men and women climb with some regularity behind the wheels of their cars while under the influence of alcohol and roar off into the night, usually, in a kind of highway roulette, gambling that they won't kill themselves or someone else. Whether you call it apathy or stupidity, it's hard to understand, but it's a commonplace of today's life.

Too many people overeat. Too few people get any regular exercise. Too many parents feed soft drinks to their youngsters, and fail to make sure they get a balanced, nutritious diet. Too many parents apparently never talk to their children about the perils of glue-sniffing and smoking pot and swallowing pills of unknown chemical constituents and strengths; yet the newspapers in all parts of the state repeatedly carry stories of youngsters, many children of highly educated and presumably well informed parents, who have been using such chemical "crutches" to an extent that has brought them to the attention of the police.

There is difference of opinion, even among medical men, as to whether or not smoking marijuana leads ultimately to the use of stronger drugs—heroin, in particular. No one really knows at this time. Yet it is true that use of heroin, a deadly addictive drug, has increased greatly among youngsters in this state, most noticeably in New York City.

Deaths associated with use of heroin there totaled more than 900 last year, and several hundred of these were 16 years old and younger. One boy died, arms pocked with needle marks, at 12. Recently a 17-year-old college girl died from sniffing heroin at a party; all her friends and teachers agree she was not a "user" in the accepted sense of the word, and apparently her death resulted from an experimental episode, perhaps occasioned by a desire to "be one of the bunch."

Sniffing heroin can be just as fatal as "main-lining" the drug into the veins. Amphetamines ("speed") can kill. LSD effects may seem mild, in some instances and for some people, but on other occasions and for other people the hallucinogenic drugs can literally drive them up the walls—or out the windows to death.

Marijuana is cited by its users and apologists as no more dangerous than alcohol. Maybe it is and maybe it isn't. Nobody really knows, in the scientific sense, despite the young pot smokers who argue that they use it frequently and it hasn't hurt them. Alcohol, they repeat often, leads to alcoholism and cirrhosis of the liver and other degenerative disorders; the unuttered assumption is that marijuana does not hold comparable dangers. But when you consider that in most cases it takes 20 to 30 years of regular drinking to create an alcoholic or ruin a liver, the obvious question arises: what will 20 to 30 years of regular marijuana smoking do to a person?

Nobody knows yet. When we do find out, a couple of decades from now, the answer may be a horrible one.

Have we gone far afield from the subject of apathy? No, not really, because it is the apathy of too many parents, and of too many educators and teachers, that has contributed to today's widespread use by young people of marijuana and the other psychically supportive substances.

For five or 10 years now, a small but vocal group of health officials and drug experts has been speaking out on the problem, and many of the nation's science writers have reported their findings and their opinions, but the well-documented stories apparently failed to crack the indifference—the "it can't happen here" apathy—of parents and teachers and all too many physicians.

Now, at last, the voices in the wilderness are being heard, and being heeded. Some 250 school and college administrators and faculty members were shocked last week when Dr. Donald Louria, president of the State Council on Drug Addiction, told them that "within a couple of years every high school and every college in the country will be inundated by heroin."

And there are other signs that the size and complex nature of the drug problem are at last reaching home to the general public; the first crumbling away of the wall of apathy has become evident. Let's hope it is not too late for too many young people.

Serious though this problem is, it is by no means as great a threat to the health and welfare—and, indeed, the very life—of the people of this country and of the entire world as the sharp-edged Damoclean sword of environmental pollution that has been hanging over our heads for many years by a thread that grows ever thinner.

For decades now, a few far-sighted scientists have been trying to reach the nation's leaders, and the general public, with the frightening word that we were rapidly fouling our environment, even the world itself, to an extent that actually made Doomsday—the end of the world—a possibility for the foreseeable future rather than a hard-to-visualize event many thousands of years distant.

Rachel Carson was not the first, but she was the first whose scare story reached the public eye. But she dealt almost entirely with the harmful effects of pesticides, and to many people her message concerned only birds and animals and fishes.

Now, at long last, words like ecology and environmental pollution and algae and eutrophication and scores of other unfamiliar terms are being seen in the newspapers and heard on television, and with a shock of disbelief millions of people are being made to drop their apathy, and to realize the world is moving down a path of pollution and over-crowding that descends more steeply each day toward an ultimate Silent Spring in which there will be no birds, no animals—and no people.

Is this newspaper scare talk? Sensationalism?

No, it isn't. Unfortunately, tragically, it isn't.

If it were, the President of the United States would not have given such high priority to a program of environmental pollution abatement and control.

Nor would dozens of scientists from different fields have declared immediately that the program, though a good step, does not begin to spend enough, or do enough.

Nor would a California legislature study group have reported this month that it is questionable "whether major portions of the state will be capable of supporting tolerable human life within several more decades." Nor would they have said that a decision must be made as to how many persons can live in the Los Angeles basin; they suggest that the total may be less than the number who live there now.

Nor, more disturbingly, would highly respected biologists and ecologists attending the recent meeting of the American Association for the Advancement of Science in Boston have stated, in all seriousness, that the end of life on earth may be within the normal lifespan of children now alive.

One estimated Doomsday as possibly 75 years from now. Another's estimate was the year 2037 or thereabouts, which is 67 years close. A third, less of an optimist, saw the end of life in about the year 2000.

These men may well be mistaken. Mankind may yet shrug off the ignorance and carelessness and unawareness of this very real threat, and may change his ways enough to extend his occupancy of this third planet from the sun for a time.

But, mistaken in their estimates or not, these scientists' dates are based on calculations, not guesses. The calculations involve many imponderables: overpopulation, and the spiraling rate of population increase; the growing rise of carbon dioxide, an inert but unbreathable gas, in the atmosphere because of increased combustion; the increase of toxic gases and particles in the air; the fouling of our waters by sewage and industrial waste and thermal pollution and radioactivity; the likelihood of famine elsewhere in the world and the real threat of massive nuclear war as one result—and dozens of other chains of events now going on whose effects are not yet fully understood but which may be even more deadly, and quicker, than those cited here.

Once again, in case you skim these statements and find them so "far out" as to be unlikely and unrealistic: why do you think New York State's legislative leaders sponsored a bill at this present session to outlaw the sale of vehicles using internal combustion engines, starting in 1975?

It will not pass this year, unless more of

the people realize the danger. Presumably, it is intended principally to warn Detroit to find ways to stop automotive air pollution.

But it is a first step, and it shows that our apathy about our environment is being shattered.

The Vietnam war is a tragedy. The city ghettoes are tragic. There are hundreds of things wrong in this country and in the world.

But comparatively they are nothing, all of them together, compared to the rapidly worsening state of the environment.

Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken to reverse the downward spiral.

But before they can be taken, the apathy that has brought us to our present parlous state must vanish.

Let's hope it does, in time.

[From the Albany (N.Y.) Times-Union, Feb. 15, 1970]

CLEANING UP THE MESS WE HAVE MADE OF OUR ENVIRONMENT: PROGRAMS RANGE FROM AIR AND WATER TO SOLID WASTE

(EDITOR'S NOTE.—Restoring and protecting the environment has become perhaps the single major task facing the planner of today. Public concern over the issue has lead to massive government involvement in the environment as evidence by New York State's five-year-old Pure Waters program; Governor Nelson Rockefeller's recent call for the forming of a new Department of Environmental Conservation; and President Richard Nixon's proposal that the environment be given a high priority in Federal spending plans. Here, in a report prepared by the New York State Department of Health, some insight into the complex nature of the problem is offered via a look at the extensive workings of the state's present environmental health programs administered by the Health Department under Commissioner Dr. Hollis S. Ingraham.)

The State Health Department's programs to control and reduce all forms of environmental pollution continued to make gains during 1969, according to a year-end report issued by the department.

The department's environmental health activities included programs that deal with water pollution, air pollution, solid waste disposal, pesticides residues, radiological health, rodent and insect control, general sanitation and other aspects of community health and safety.

The State's Pure Waters program moved ahead satisfactorily despite the continued failure of the federal government to fulfill its financial commitment to the program.

State and federal funds to help local governments construct and modify sewage treatment facilities are basic to the Pure Waters concept. Initially, the State promised to assume 30 per cent of such costs and to advance funds to the full federal share of 30 per cent. Congress in 1966 authorized grants for this purpose, but has subsequently failed to appropriate enough funds for the program it authorized.

In practice, Dr. Ingraham said, federal grants have amounted to approximately seven per cent of the estimated total of eligible costs, for which reimbursement is authorized. Localities must furnish 40 per cent, and the State is providing about 53 per cent.

So far this year, 108 projects with an eligible cost of about $123 million have been completed and are in operation. State grants for these totaled about $57 million. Another 77 projects under construction have a total estimated eligible cost of $577 million, of which $306 million is State aid. There are 52 projects in final design stages, with an estimated eligible cost of $211 million, for which $114 million of State grants has been firmly committed.

The State completely finances comprehensive sewerage planning studies by local governments, which are prerequisites to the construction grants program. These studies, started in 1963, result in economical operations and improved performance because they combine numerous small systems into fewer but larger and more efficient systems. Forty-five county-wide studies are underway or completed; as a result multi-municipal systems have been organized in 3 years.

To date, 37 new industrial waste treatment plants were put into operation in 1969, and 26 more reached the design stage. For the 12 months ending Sept. 30, 290 construction permits were issued for industrial waste treatment. To date, 70 State institutions and 33 federal installations have fully abated pollutional discharges or are in process of doing so.

State payments to localities of one-third of the cost of operating and maintaining effective municipal sewage treatment plants began in 1965. Since then, 940 grants to 61 per cent of municipal plants in the State have been approved, for a total of $27.9 million.

Water quality surveillance to measure the biological, physical, radiological and chemical characteristics of State waters had been increased. A 100-station network now includes 12 automatic water monitors, and a new laboratory in Syracuse permits improved quality analyses for the center of the State.

Four major research projects aimed at improving State waters are under way. A study seeking ways of controlling the excessive growth of algae which now menaces many lakes is under way at Canadarago Lake in Otsego County. A pilot plant using a 10,000-gallon-per-day chemical-physical treatment process to convert wastewater to reusable, high quality water is in operation at New Rochelle and was moved to Waterford Jan. 1. An experimental demonstration in the use of pressure sewers may ultimately lessen the high cost of sewers in hilly terrain and around lake shores.

Finally, construction was started on a full-scale experimental sewage treatment plant at West Coxsackie; this project seeks to increase the efficiency of present biological sewage treatment methods by improved design and operation.

At the start of the Pure Waters program in 1965, there were 1,678 industrial, community and institutional polluters. At present 880 polluters, or 52 per cent, have abated pollution.

Substantially all major polluters are under order to abate their pollution. A total of 461 polluters have been placed under orders. Where firm resistance or major violations are found, penalty assessment proceedings are begun or referral is made to the Attorney General. To date, 28 penalty assessments have been initiated, and 25 cases referred to the Attorney General, whose office now has a special pollution abatement enforcement unit.

In July, the State Water Resources Commission adopted comprehensive criteria governing thermal discharges. The task of enforcing them has been started.

A new law requiring boats with toilet facilities to provide approved treatment devices or holding tanks by March 1, 1970, will go far in abating pollution from this source.

Industries of the State are complying, or planning to comply, with emission regulations adopted by the State Air Pollution Control Board to meet the Jan. 1, 1971 deadline. During the year, however, 50 abatement orders were issued. Five major sources of pollution were sealed and replaced with a low emitting source, resulting in an appreciable pollution decrease in the western part of the State.

The classification of the State into air quality zones and the assignment of standards for air quality was completed for all counties in the State this year. Supplementary standards for sulfur oxides and particulates were adopted for New York's two air quality regions established under federal law, the New York Metropolitan area and the Niagara Frontier. A plan to implement these standards is being developed.

During 1969, the Air Pollution Control Board adopted two additional regulations designed to reduce the amount of sulfur dioxide in the atmosphere. One established the maximum allowable sulfur content of fuels used in the New York Metropolitan area and the other established similar, but slightly higher, limitations for the rest of the State.

Another rule adopted in 1969 established stringent limitations on the amount of dust which can be emitted from utility and industrial coal-burning power plants. Planning and, in some cases, construction have already been started to meet the July 1, 1972 compliance date established by the Board.

During the year there was a modest decrease in air contaminants emitted throughout the State, continuing the trend which began four years ago as a result of the new regulations. It is predicted that 1970 should show a marked decrease in contamination concentrations in New York's atmosphere because of the number of rules which will require complete compliance.

Another major decrease occurred in the amount of carbon monoxide and hydrocarbons emitted to the atmosphere due to the requirement that all new cars have exhaust emission control systems.

The Health Department also has been actively working toward improved solid waste handling by municipalities and private contractors. Almost 40,000 tons of municipal wastes and 14,000 tons of industrial wastes are generated in the State each day. This amounts to almost 20 million tons of waste that must be disposed of each year or an average of more than one ton per person.

The solid waste problem has become more critical because of the rapid increase in amounts of waste requiring disposal. Recent projections indicate an increase of seven per cent over the next five years. Proper handling and disposal of these wastes is one of the greatest challenges now facing local governments in the State.

Recognizing this, the Health Department has been moving ahead with its state-wide study to develop a modern system for planning local or regional solid waste management projects. Already comprehensive solid waste planning studies have been completed for Suffolk County and Herkimer-Oneida Counties. A study for New York City is underway, and studies for the Capital District, Monroe County and Ulster County are nearing completion.

Similar projects for Nassau, Chatauqua and Warren-Washington Counties will be completed in 1970. These studies provide local officials with sound alternative solutions to their solid waste problems.

Substantial progress was made during the year in improving refuse disposal practices. Sanitary code enforcement activities were accelerated to help eliminate open dumps. Forty-nine hearings were held and formal orders served, requiring correction of code violations during the year, 94 open dumps were closed and 249 disposal areas were brought up to a satisfactory operating level. Forty-eight per cent of the State's 900 disposal areas are now in compliance with the Sanitary Code as compared to only 19 per cent one year ago. The Health Department will continue its drive to abate unsatisfactory conditions in 1970, and assist municipalities in developing efficient and economical refuse disposal operations.

VA DOCTORS AND NURSES AT BOSTON VA HOSPITAL DEMAND PROPER CARE FOR HOSPITALIZED VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on February 26 I advised my colleagues about the funding and staffing shortages which Massachusetts VA hospitals were experiencing. Apparently the situation at Boston's Jamaica Plain's VA Hospital has reached a crisis stage. Dr. Robert C. Saunders of the Boston VA Hospital Ad Hoc Committee recently sent me a copy of a letter signed by numerous members of the hospital staff. These staff members are demanding that VA patients hospitalized at the Jamaica Plains Hospital be given proper care. The views expressed in the employees petition support the Veterans' Affairs Committee finding revealed by the continuing survey we have been conducting beginning in April of 1969.

Mr. Speaker, these employees contend that the Boston hospital is seriously underfunded and understaffed—and it is—according to our findings also. The communication from the employees, in part, states:

> Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complication could have been averted had the doctor been notified of the changes earlier.

It was further stated:

> There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos.

The Boston VA hospital employees also contend that the hospital's laboratory is 30 percent understaffed which "results in unnecessary risks to patients" because of "inaccurate and inadequate" tests. It is also contended that X-ray reports and ECG reports are sometimes delayed for periods of 3 to 6 weeks; that X-ray scheduling is "greatly delayed" and X-rays are "lost or unavailable at the time needed" because of lack of personnel.

Mr. Speaker, a copy of the Doctors and Nurses Ad Hoc Committee statement follows:

FEBRUARY 17, 1970.

FRANCIS B. CARROLL, M.D.,
Hospital Director,
Veterans Administration Hospital,
Boston, Mass.

DEAR SIR: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are inadequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and X-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We do not accept the explanation that there is no money available because we know that funds can and should be made available for people's basic health needs. Certainly veterans of our armed services should have "health care second to none," the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty percent. Such a lack of staff results in unneccesary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray department must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is an average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, housekeeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding in elevators. At least maximum use must be made of existing elevators, which means that the two manually operated elevators function until 10 PM daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking call from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illnesses. The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalization. We strongly recommend that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across

the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

Mr. Speaker, there were approximately 125 signatures on the statement and Dr. Saunders indicated that he did not include the full list of those who signed the copy he sent to me. The conditions are described in very specific terms and are of a nature to demand immediate attention.

SENATE—*Saturday, February 28, 1970*

(Legislative day of Thursday, February 26, 1970)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our help in ages past, hear us as we lift our morning prayer to Thee. Come upon our Nation by the mighty power of Thy Holy Spirit to cleanse and renew our inmost life. Make us a pure, orderly, and godly people. Assist the strong that they may help the weak. Teach us to live to serve others and thus fulfill Thy divine law. Keep us God fearing, industrious, and trustful of one another. Hear our most earnest prayer that we may keep Thy laws and manifest Thy love in daily word and deed.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 27, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

STAR URGES RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday, in an editorial entitled "The 21-Year Procrastination," the Washington Evening Star voiced its support for ratification of the human rights convention outlawing genocide. It also, I might add, voiced its indignation over the fact that this Chamber has not seen fit "to put the United States on a par with the other civilized nations of the world by ratifying the agreement."

Mr. President, as the Star editorial has so forcefully pointed out, the eyes of the world are upon us. Why has this Nation, supposedly the moral and political leader of the Western World, supposedly a civilized nation, been so reluctant to add its support to an agreement that would outlaw this most dastardly crime? This is the question the world is now asking, and has asked throughout the 21-year period of procrastination the Star referred to.

I again urge the Senate to move immediately to consider and ratify this agreement. The world is watching, and waiting, for our response.

Mr. President, I ask unanimous consent that the Washington Evening Star editorial of February 28, 1970, entitled "The 21-Year Procrastination" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE 21-YEAR PROCRASTINATION

Twenty-one years ago, the United Nations prepared an international agreement outlawing genocide. The United States played a leading role in the drafting of the document. One year later the agreement was submitted to the Senate for ratification. A foreign relations subcommittee held some hearings. And all progress toward ratification halted at that point.

Now, President Nixon has asked the Senate to dig out the document, to dust it off, and to put the United States on a par with the other civilized nations of the world by ratifying the agreement.

One might assume that the request would pose no problems, that once the committee overcame its inertia, the Senate would lose no time in putting this country on the side of the angels. One could be wrong. For the fact is that ratification was vigorously opposed two decades ago—and still is—by the defenders of states' rights. The opposition is of such intensity that, unless the President applies some real pressure, the United States could find itself in the agonizingly embarrassing position of rejecting the international condemnation of genocide.

In addition to the small but powerful bloc of senatorial states-righters, ratification has been consistently opposed by the American Bar Association. This year, the ABA's house of delegates voted by a narrow margin to continue its opposition, despite arguments for ratification by former Attorney General Katzenbach and Solicitor General Griswold. A former ABA president raised the specter that an individual might charge his own government with genocide and bring the United States before the World Court.

The delegates, by a margin of four votes, chose to overlook the effect that continued failure to ratify would have on world opinion, and to concentrate instead on the possibility that a troublemaker might cause the government some difficulty.

The congressional arguments against ratification are based on the fact that such international agreements supersede existing national law. Thus, in the eyes of guardians of state sovereignty, the agreement would in effect place in the hands of the federal government a possible threat to the states' jurisdiction over murder cases.

This legalistic sophistry is valid if it is agreed that (a) the federal government might frivolously employ the agreement in an attempt to usurp the power of the states in capital cases, or (b) that states might undertake a program of genocide.

Neither possibility exists outside of some mildly paranoid imaginations. The attorney general sees no constitutional conflict with the agreement. The secretary of state has urged that the pact be ratified. The Senate should take the President's advice and end the 21-year procrastination. And the President should disregard the nightmares of the ABA. He should back up his request with sufficient prodding to make sure that the Senate moves briskly—and in the right direction.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE DEPARTMENT OF AGRICULTURE

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, dated January 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the highway trust fund, dated June 30, 1969 (with an accompanying report); to the Committee on Finance.

PROPOSED LEGISLATION EXTENDING FOR A 10-YEAR PERIOD EXISTING AUTHORITY OF THE ADMINISTRATOR OF VETERANS' AFFAIRS TO MAINTAIN OFFICES IN THE PHILIPPINES

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (with accompanying papers); to the Committee on Finance.

REPORT ON ACTIVITIES OF THE EAST-WEST CENTER IN HONOLULU

A letter from the Secretary of State, transmitting, pursuant to law, a report on the